

STATE OF HAWAII
HAWAII ADMINISTRATIVE RULES
TITLE 13
DEPARTMENT OF LAND AND NATURAL RESOURCES
SUBTITLE 11
OCEAN RECREATION AND COASTAL AREAS
PART 3
OCEAN WATERS, NAVIGABLE STREAMS
AND BEACHES

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HAWAII ADMINISTRATIVE RULES

CHAPTER 250

GENERAL PROVISIONS

Historical note

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§13-250-2	Interpretation
§13-250-3	Severability
§13-250-4	Reserved
§13-250-5	Definitions

Historical note. This chapter is based on general provisions and definitions of the Hawaii Shore Waters Rules effective November 6, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

§13-250-1 Purpose and scope. The purpose of these rules is to further the public interest and welfare and to promote safety within the geographical limits of certain portions of Hawaii's ocean waters, navigable streams and beaches, as the same may from time to time be designated and described in these rules. [Eff 2/24/94] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-250-2 Interpretation. If any section of these rules is inconsistent with any act of the Congress of the United States or any rule, or standard established pursuant thereto, the section shall be construed to be superseded or governed thereby. Nothing contained in these rules shall be construed to limit the powers of any state department or agency. These rules shall be construed liberally and consistent with the purpose stated in section §13-250-1. [Eff 2/24/94] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

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§13-250-3 Severability. These rules are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons or property shall not be affected. [Eff 2/24/94] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

§13-250-4 Reserved

§13-250-5 Definitions. As used in this part, unless the context clearly indicates otherwise:

"Boat" means a small vessel propelled by oars or paddles or by sail or power.

"Business" includes all activities engaged in or caused to be engaged in by any person or legal entity with the object of making a profit or obtaining an economic benefit either directly or indirectly.

"Canoe" means outrigger canoe.

"Carrying passengers for hire" means the carriage of any person or persons by a vessel for compensation flowing, whether directly or indirectly, to the owner, charterer, operator, agent, or any other person interested in the vessel.

"Catamaran" means a vessel with two or more hulls side by side.

"Chairperson" means the chairperson of the board of land and natural resources of the State of Hawaii or the chairperson's duly authorized representative or subordinate.

"Coast Guard" means the United States Coast Guard.

"Compensation" means any valuable consideration.

"Commercial high speed boating" means the use of an open ocean racing boat to provide high speed rides to passengers who pay compensation for the rides. "Commercial high speed boating" does not include:

- (1) The use of an open ocean racing boat during an official racing competition; or
- (2) The use of an open ocean racing boat while practicing for racing competition; provided that no passenger pays compensation for riding the boat during the practice.

"Commercial motorboat" means any motorboat used for hire, profit or gain.

"Commercial ocean recreation activities" means any ocean recreation activity offered for a fee.

"Contrivance" means any man-made object or artificial arrangement not used or intended to be used for transportation which may be floated upon or suspended within the water.

"Department" means the department of land and natural resources of the State.

"Humpback whale cow/calf area" are shown on Exhibit "B" dated November 23, 1988, located at the end of this chapter and described as follows:

- (1) Adjoining the island of Lanai. All waters within two miles of the shoreline along the north and east coast between lines extending perpendicular to the shoreline from Kaena Point to Kamaiki Point.
- (2) Adjoining the island of Maui. All waters inshore of a straight line drawn between Hekili Point and Puu Olai.

"Kaanapali ocean waters" means the area confined by the boundaries shown on Exhibit E (1), July 9, 1984, located at the end of chapter 13-251 and defined as:

Beginning at the intersection of the extended centerline of Wahikuli Road at the vegetation line, thence running by azimuths measured clockwise from True South; 088 degrees for a distance of one thousand feet; 177 degrees for a distance of two thousand fifty feet; 145 degrees for a distance of two thousand six hundred twenty-five feet; 117 degrees 30 minutes for a distance of two thousand fifty feet; 150 degrees for a distance of one thousand seven hundred seventy feet; 175 degrees 45 minutes for a distance of four thousand one hundred feet; 197 degrees 15 minutes for a distance of two thousand three hundred twenty-five feet; 177 degrees 30 minutes for a distance of four thousand fifty feet; 201 degrees 30 minutes for a distance of one thousand six hundred twenty-five feet; thence on a straight line to a point on the vegetation line of the south bank of Honokowai Stream; then southward along the vegetation line to the point of beginning.

"Kayak" means a portable boat styled like an Eskimo canoe and propelled by use of a double-bladed paddle.

"Motorboat" means any vessel sixty-five feet in length or less which is equipped with propulsion machinery including steam and includes wet bikes, motorized surfboards and any other vessel

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propelled by a motor engaged in towing discs, boards, parasails or any other devices which may be towed. This term includes a vessel temporarily or permanently equipped with a motor.

"Navigable streams" means the waters of estuaries and tributaries of the streams of each island of the state, where boating and water related activities, recreational or commercial, may be carried on, whether the mouths of said streams are physically opened or not to ocean waters for intra or interstate commerce or navigation.

"Ocean recreation management area" means ocean waters of the State that have been designated for specific activities as described in Chapter 13-256, Hawaii Administrative Rules, Ocean Recreation Management Rules and Areas.

"Ocean Waters" means the waters seaward of the shoreline within the jurisdiction of the State.

"Open ocean racing boat" means a motorized vessel which:

- (1) Is designed, modified, or restored for the primary purpose of high speed boat racing; and
- (2) Has the capacity to carry not more than the operator and five passengers.

"Operate" means to navigate or otherwise use a vessel, surfboard, or paddle board (paipo board).

"Operator permit" means the permit issued by the department which authorizes either the direct operation or the offering for a fee, surfboards and sailboards or any vessel, watercraft or water sports equipment on the ocean waters and navigable streams of the state.

"Outrigger canoe" means a boat equipped with a framework terminating in a float, extended outward from the side of the boat to prevent upsetting.

"Owner" means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use and possession of a vessel subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

"Paipo boards" means any type of board that is (a) without skegs, (b) does not exceed four feet in length, and (c) is used for the sport of surfriding.

"Parasailing" means the activity in which an individual is transported or carried aloft by a parachute, sail, or other material attached to a towline which is towed by a vessel.

"Person" includes every individual, partnership, firm, society, incorporated association, joint venture, group, hui, joint stock company, corporation, trustee, or any other legal

entity, including the servant, employee, agent, or representative of any of the foregoing.

"Power driven catamaran" means a catamaran propelled by machinery whether under sail or not.

"Recreation" means to create anew, restore, refresh, a diversion such as a hobby or other leisure time activities.

"Rules" means the rules governing Hawaii Ocean Waters, Navigable Streams and Beaches of the department of land and natural resources, State of Hawaii.

"Sailboard" means any type of board that exceeds four feet in length and is propelled by a detachable sail apparatus.

"Sailing catamaran" means a catamaran propelled by sail only, including a catamaran temporarily or permanently equipped with a motor being propelled by sail only.

"Shore waters and shores" means any shores or waters between the three nautical mile limit and the mean high tide mark on the shores of the islands of the State of Hawaii.

"Skeg" means any fin-like projection protruding from the bottom of a surfboard.

"Slow-no-wake" means as slow as possible without losing steerage way and so as to make the least possible wake. This would almost always mean speeds of less than five miles an hour.

"State" means the State of Hawaii.

"Surfboard" means any type of board that exceeds four feet in length and is used for the sport of surf riding.

"Surf riding" means riding of waves on a surfboard, sailboard, paddleboard, or vessel.

"Territorial sea baseline" means the line from which the territorial sea is measured, which is generally the low water line along the coasts including the coasts of islands and special closing lines drawn tangent to the headlands across the mouths of rivers, bays, inlets and other similar indentations.

"Thrill craft" means any motorized vessel which is generally less than thirteen feet in length as manufactured, is capable of exceeding a speed of twenty miles per hour, and has the capacity to carry not more than the operator and two other persons while in operation. The term includes but is not limited to a jet ski, wet bike, surf jet, miniature speed boat, and hovercraft.

"Ultralight float equipped aircraft" means an aircraft of light weight construction and limited range carrying not more than two individuals able to land on water surfaces using floats.

"Vessel" means any watercraft, used or capable of being used as a means of transportation on or in the water.

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"Vessel length" means the end-to-end measurement of a vessel, taken over the deck, parallel to the waterline from the foremost part at the bow to the aftermost part at the stern; provided, that hull platings, plankings, and extensions aside from the hull proper, such as a bowsprit, are not to be included in such measurement; provided further, that an open-type vessel or one with a cockpit shall be measured as if a complete deck existed at the upper level of the hull.

"Waikiki ocean waters" means the area confined by the boundaries shown on Exhibit A, June 1, 1981, located at the end of this chapter which boundaries are described as follows:

- (1) Beginning at the point where the mean high water mark intersects a line perpendicular to the shoreline and extending seaward from the Diamond Head Lighthouse;
- (2) In the Ewa direction along the mean high water mark to the point where the mean high water mark meets the revetment on the Waikiki side of the Kewalo Basin entrance channel;
- (3) Along a straight line connecting the point described in (2) above to the Kewalo Basin entrance channel buoy ("1" Black);
- (4) Along a straight line connecting the buoy described in (3) above to the Ala Wai boat harbor entrance lighted buoy (Red "2");
- (5) Along a straight line connecting the buoy described in (4) above to the Diamond Head buoy (Red "2"); and
- (6) Along a straight line connecting the buoy described in (5) above to, and ending at, the point of beginning.

"Water sledding" means the activity in which an individual is transported or carried over the surface of the water on an apparatus that is more than twelve inches wide and is attached to a towline which is towed by a vessel. If the apparatus is round with a hollow center, the width shall be measured as a straight line:

- (1) Starting from a point on the outer edge of the apparatus;
- (2) Bisecting the hollow center; and
- (3) Ending at the farthest point on the opposite outer edge.

"Watercraft" means every type and description of vessel, device or contrivance used on or in the waters of the state to

include commercial and recreational uses.

"Water sports equipment" means any equipment, contrivance, frame or other device that one or more persons may lie, sit, or

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stand upon or in, and which is primarily for use in or on the water for pleasure, recreation or sports, and not necessarily for transportation. [Eff 2/24/94] (Auth: HRS §§200-2, 200-4) (Imp: HRS §§200-2, 200-4)

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HAWAII ADMINISTRATIVE RULES

CHAPTER 251 WAIKIKI AND KAAHAPALI OCEAN WATERS

Historical note. This chapter is based on catamaran captain, canoe captain, canoe second captain and surfboard instructor permits, owners of for-rent surfboards and passengers carrying vessels--proof of financial responsibility, registrations rules of the road, special operating restrictions and soliciting prohibited in or on Waikiki shore waters of the Hawaii Shore Waters Rules, effective November 6, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

Subchapter 1	Catamaran Captain, Canoe Captain, Canoe Second Captain, Surfboard Instructor, Sailboard Instructor and Commercial Motorboat Operator Permits
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§13-251-1	Permits	
§13-251-2		What persons shall not receive permits
§13-251-3	Special restrictions	
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§13-251-5	Application for operator permit	
§13-251-6	Examination of applicants	
§13-251-7	Operator permits issued to catamaran captains, canoe captains, canoe second captains, surfboard instructors, sail- board instructors and commercial motorboat operators	

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§13-251-8	Operator permit to be carried onboard and exhibited upon demand
§13-251-9	Duplicate certificate
§13-251-10	Expiration of operator permit
§13-251-11	Records to be kept by the department
§13-251-12	
to	
§13-251-15	(Reserved)

§13-251-1 Permits. Catamaran captains, canoe captains, canoe second captains, surfboard instructors, sailboard instructors and commercial motorboat operators shall have an operator permit.

(a) No person shall navigate a catamaran or canoe as catamaran captain, canoe captain, or canoe second captain on a vessel carrying passengers for hire, or operate as a surfboard or sailboard instructor for compensation in or upon Waikiki or Kaanapali ocean waters unless the person has a valid permit under this part.

(b) No person shall navigate a commercial motorboat in or upon Kaanapali ocean waters unless the person has a valid permit under this part.

(c) No permit is required for captains navigating catamarans carrying passengers for hire who, while cruising, enter Waikiki or Kaanapali ocean waters other than restricted waters described in sections 13-251-57 and 13-251-58, and do not load or unload passengers in or on Waikiki or Kaanapali ocean waters or shores. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-2 What persons shall not receive permits. The department shall not issue an operator permit to any person:

- (1) Who is under the age of twenty-one years for a catamaran captain or commercial motorboat operator, or under the age of twenty years for a canoe captain, or under the age of eighteen for a canoe second captain, or surfboard or sailboard instructor;
- (2) Whose permit has been suspended or revoked, while the suspension or revocation is in effect;

- (3) Who is a habitual drunkard, or a habitual user of narcotic or other drugs, to a degree which renders the person incapable of safely operating as a permittee;
- (4) Who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency as provided by law, such as to render the person incapable of safely operating as a permittee;
- (5) Who is required by this chapter to pass an examination or re-examination and has failed to do so; or
- (6) Who the chairperson has good cause to believe is incapable of operating as a permittee without substantially jeopardizing public safety and welfare.
[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4)
(Imp: HRS §§200-2, 200-3, 200-4)

§13-251-3 Special restrictions. (a) The department, upon issuing an operator permit, shall indicate thereon the class of permit so issued and shall appropriately examine each applicant according to the class.

(b) The department shall not issue a catamaran captain permit unless the applicant has a valid Coast Guard license to operate sailing catamarans carrying passengers for hire, and has a minimum of ninety working days catamaran sailing experience in Waikiki ocean waters, Zone A, or Kaanapali ocean waters, as appropriate, attested to by two persons holding valid catamaran captain permits issued by the department.

(c) The department shall not issue a canoe captain permit unless the department is fully satisfied as to the applicant's competency and fitness to receive the permit, and the applicant has a minimum of three years experience in canoe handling, possesses a current Red Cross advanced life saving certificate, knows elementary first aid, and is physically qualified to perform the duties the position requires, as evidenced by a written report of a physician's physical examination made no earlier than thirty days prior to the effective date of the permit.

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(d) The department shall not issue a canoe second captain's permit unless the department is fully satisfied as to the applicant's competency and fitness to receive the permit, and the applicant has a minimum of eighteen months experience in canoe handling, possesses a current Red Cross advanced life saving certificate, knows elementary first aid, and is physically qualified to perform the duties the position requires, as evidenced by a written report of a physician's examination made no earlier than thirty days prior to the effective date of the permit.

(e) The department shall not issue a senior surfboard instructor's permit or a sailboard instructor's permit unless the department is fully satisfied as to the applicant's competency and fitness to receive the permit, and the applicant has a minimum of three years surfboard or sailboard riding experience, as appropriate, possesses a current Red Cross advanced life saving certificate, knows elementary first aid, and is physically qualified to perform the duties the position requires, as evidenced by a written report of a physician's examination made no earlier than thirty days prior to the effective date of the permit.

(f) The department shall not issue a primary surfboard instructor's permit unless the department is fully satisfied as to the applicant's competency and fitness to receive the permit, and the applicant has a minimum of three years surfboard riding experience, possesses a current Red Cross advanced life saving certificate (on application for original permit only), knows elementary first aid, and is physically qualified to perform the duties the position requires, as evidenced by a written report of a physician's examination made no earlier than thirty days prior to the effective date of the permit.

(g) A primary surfboard instructor's permit for Waikiki shall entitle the permittee to instruct only in waters five feet or less in depth at mean low water and not in the outer surfbreak area. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-4 Learner steersperson permits. Any person who is at least seventeen years of age may apply to the department for a learner steersperson permit. After the applicant has passed all parts of the applicable

examination other than a canoe surfing test, the department may issue to the applicant a learner steersperson permit which shall entitle the applicant to navigate a canoe, registered by the department and not carrying passengers for hire, in or upon Waikiki or Kaanapali ocean waters as appropriate. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-5 Application for operator permit. (a) Every application for an operator permit shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than three attempts to pass any examination within a period of six months from the date of application.

(b) Every application shall include the full name, aliases, date of birth, sex, and resident address of the applicant and briefly describe the applicant, and the applicant's experience related to the vessel, surfboard, or sailboard the applicant wishes to use or operate. The application shall state whether the applicant has been issued a permit and, if so, when and whether the permit has ever been suspended or revoked, or whether an application has ever been refused and, if so, the date and reason for the suspension, revocation, or refusal. Two recent photographs shall be attached to the application.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-6 Examination of applicants. (a) The department shall examine every applicant for an operator permit, except as otherwise provided in this section. The examination shall include a test of the applicant's knowledge of this chapter and shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of catamarans, canoes, surfboards, sailboards, or commercial motorboats, as the case may be, and such further written, physical, and mental examination as the department feels is necessary to determine the applicant's fitness to operate a catamaran, canoe, surfboard, sailboard, or motorboat safely upon the Waikiki or Kaanapali ocean waters as appropriate;

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provided that applicants for learner steersperson permits shall not be required to pass the canoe surfing test.

(b) The department may issue without examination an operator permit to any person applying therefore who furnished evidence satisfactory to the department that the person is not disqualified under this chapter and that the person has previously been issued an operator permit by the department. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-7 Operator permits issued to catamaran captains, canoe captains, canoe second captains, surfboard instructors, sailboard instructors and commercial motorboat operators. (a) An operator permit when issued by the department shall bear a distinguishing number assigned to the permit, the full name, date of birth, residence address, and brief description of the permittee, and a space upon which the permittee shall sign in ink the permittee's name immediately upon receipt of the permit. No permit shall be valid until it has been so signed by the permittee.

(b) Every operator permit shall bear the permittee's photograph showing the permittee's facial features, which shall be furnished by the permittee. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-8 Operator permit to be carried on board and exhibited upon demand. Every permittee shall have the operator permit in the operator's immediate possession or at a place for safekeeping in the immediate vicinity at all times when operating as a permittee and shall display the same upon demand of a lifeguard, peace officer, or representative of the department. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-9 Duplicate certificate. In the event that an operator permit issued under this subchapter is lost or destroyed, the permittee may obtain a duplicate or

substitute thereof, upon payment of the required fee, as provided by chapter 13-253, obtain a duplicate or substitute thereof. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-10 Expiration of operator permit. Every operator permit shall expire three years after its issuance. Application for a new permit shall be made as provided in section 13-251-5. The department may in its discretion, as provided in section 13-251-6, waive examination for renewal of a permit. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-11 Records to be kept by the department.
 (a) The department shall file every application for a permit received by it and shall maintain suitable records concerning permits issued.
 (b) The department shall file upon receipt, all accident reports and abstracts of records of convictions for violating this chapter. The department shall also maintain convenient records or make suitable notations so that an individual record of each licensee, showing the licensee's convictions and accidents, shall be readily ascertainable and available for the consideration by the department upon any application for renewal of license or permit and at other suitable times. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-12 to §13-251-15 (Reserved)

Subchapter 2 Suspension or Revocation of Permits

§13-251-16	Authority of department to revoke operator permit
§13-251-17	Authority of department to suspend operator permit
§13-251-18	Department may require re-examination

§13-251-16

§13-251-19	Period of suspension or revocation
§13-251-20	Surrender and return of operator permit
§13-251-21	
to	
§13-251-25	(Reserved)

§13-251-16 Authority of department to revoke operator permit. (a) The department may revoke any operator permit upon determining that the permittee failed to give the required or correct information in the application, committed any fraud in making such application, or repeatedly violated section 13-251-17.

(b) Upon revocation, the department shall immediately notify the permittee in writing and upon written request shall afford the permittee full and reasonable opportunity for a hearing. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-17 Authority of department to suspend operator permit. (a) The department may suspend the operator permit of a catamaran captain upon sufficient evidence that the permittee does not have a valid Coast Guard license.

(b) The department may suspend the operator permit of a canoe captain, second captain, surfboard instructor, sailboard instructor, operator of a commercial motorboat or learner steersperson upon sufficient evidence that the permittee:

- (1) Has been convicted of violations of this chapter in such frequency and seriousness as to indicate a disregard for the safety of other persons on the waters;
- (2) Is incompetent to operate canoes, surfboards, sailboards or motorboats for charter or rent, as the case may be;
- (3) Has permitted an unlawful or fraudulent use of the permittee's license or permit; or
- (4) Has violated this chapter.

(c) Upon suspension, the department shall immediately notify the permittee in writing and upon a written request shall afford the permittee full and reasonable opportunity for a hearing. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-18 Department may require re-examination. The department upon written notice of at least five days to the permittee, may require the permittee to submit to an examination if the department has good cause to believe that a permittee is incompetent or otherwise not qualified to retain an operator permit. Upon the conclusion of the examination, the department shall take action as may be appropriate and may suspend or revoke the permit of that person or may issue a permit subject to restriction. Refusal or neglect of the permittee to submit to this examination shall be grounds for suspension or revocation of the permit. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-19 Period of suspension or revocation. (a) The department shall not suspend an operator permit for a period of more than one year, except as provided under section 13-251-27.

(b) Any person whose operator permit had been revoked shall not be entitled to have that permit or privilege renewed or restored unless the revocation was for a cause which has been remedied, except that after one year from the date on which the revoked permit was surrendered to and received by the department, the person may apply for a new permit as provided by this chapter. However, the department shall not issue a new permit unless it is satisfied, after investigation, with the character and ability of the person. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-20 Surrender and return of operator permit. The department, upon suspending or revoking an operator permit, shall require that the permit be surrendered to and be retained by the department, except that at the end of the suspension, the surrendered permit shall be returned to the permittee. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-21 to §13-251-25 (Reserved)

§13-251-26

Subchapter 3 Violation of Operator
Permit Provisions

§13-251-26	Unlawful use of operator permit
§13-251-27	Operating while operator permit suspended or revoked
§13-251-28	Permitting unauthorized person to operate catamaran or canoe
§13-251-29	to
§13-251-30	(Reserved)

§13-251-26 Unlawful use of operator permit. No person shall:

- (1) Display, cause or permit to be displayed, or have in the person's possession, any cancelled, revoked, suspended, fictitious, or fraudulently altered permit;
- (2) Lend the person's permit to any other person or knowingly permit the use thereof by another;
- (3) Display or represent as one's own, any permit not issued to oneself;
- (4) Fail or refuse to surrender any departmental permit to the department upon its lawful demand;
- (5) Permit any unlawful use of a permit issued to that person;
- (6) Do any act forbidden, or fail to perform any act required, by this chapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-27 Operating while operator permit suspended or revoked. (a) No person shall operate as a permittee at a time when the privilege is suspended or revoked.

(b) The department shall extend the operator's suspension for a period equal to the original suspension upon receiving a record of that person's conviction for operating while the person's operator permit was suspended. If the conviction was for operating while a permit was revoked, the department shall not issue a new permit for an additional period of one year from the date the person

would otherwise have been entitled to apply for a new permit.
 [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS
 §§200-2, 200-3, 200-4)

§13-251-28 Permitting unauthorized person to operate catamaran or canoe. No person shall authorize or permit a catamaran or canoe carrying passengers for hire to be navigated in or upon Waikiki or Kaanapali ocean waters by any person who is not authorized by this chapter to do so. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-29 to §13-251-30 (Reserved)

Subchapter 4

Owners of Passenger
 Carrying Vessels,
 For-Rent Surfboards,
 For-Rent Sailboards,
 For Charter or Rent
 Motorboats and For-Rent
 Watersports Equipment
 - Proof of Financial
 Responsibility

§13-251-31 Owner of passenger-carrying vessels,
 for-rent surfboards, for-rent sail-
 boards, for charter or rent motorboats,
 for-rent water sports equipment to give
 proof of financial responsibility

§13-251-32 Owner of passenger-carrying vessels,
 for-rent surfboards, for-rent
 sailboards, for-rent motorboats and
 for-rent water sports equipment when
 no policy obtained

§13-251-33
 to

§13-251-35 (Reserved)

§13-251-31 Owner of passenger-carrying vessels, for-rent surfboards, for-rent sailboards, for-charter or rent motorboats, or for-rent water sports equipment to give proof of financial responsibility. (a) It shall be unlawful for the owner of any:

- (1) Vessel carrying passengers for hire to authorize or knowingly permit that vessel to be navigated in or upon Waikiki or Kaanapali ocean waters, unless the owner has registered the catamaran as prescribed in this subchapter; except that this paragraph shall not apply to cruising vessels as described in section 13-251-1;
- (2) Surfboard or sailboard engaged in the business of renting surfboards or sailboards for use in Waikiki or Kaanapali ocean waters, to rent a surfboard or sailboard, unless the owner has registered the surfboard or sailboard as prescribed in this subchapter. The department shall not register any vessel, surfboard, or sailboard unless the owner gives proof of financial responsibility as provided by this chapter. The department shall cancel the registration of any vessel, surfboard, or sailboard whenever the department ascertains that the owner has failed to or is unable to give and maintain proof of financial responsibility;
- (3) Motorboat engaged in the business of chartering or renting motorboats for use in Kaanapali ocean waters to charter or rent a motorboat, unless the owner has registered the motorboat as prescribed in this subchapter. The department shall not register any vessel unless the owner gives proof of financial responsibility as provided by this subchapter. The department shall cancel the registration of any vessel whenever the department ascertains that the owner has failed to or is unable to give and maintain proof of financial responsibility;
- (4) Water sports equipment engaged in the business of renting water sports equipment for use in Waikiki or Kaanapali ocean waters to rent water sports equipment, unless the owner has registered the water sports equipment as prescribed in this subchapter. The department shall not register any water sports

equipment unless the owner gives proof of financial responsibility as provided by this subchapter. The department shall cancel the registration of any water sports equipment whenever the department determines that the owner has failed to or is unable to give and maintain proof of financial responsibility.

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(b) The owner shall submit to the department evidence that there has been issued to the owner by an insurance carrier authorized to do business in the State, and naming the State as an additional insured, a public liability insurance policy or policies covering the operations under the permits issued in accordance with this chapter and with the following minimum coverages:

- (1) In the case of vessels carrying passengers for hire, the following amounts for bodily injury and damage to property per occurrence:
 - (A) \$100,000 for vessels authorized to carry not more than six passengers;
 - (B) Not less than \$300,000 for vessels authorized to carry more than six passengers, but less than twenty-six;
 - (C) Not less than \$500,000 for vessels authorized to carry more than twenty-five passengers;
- (2) In the case of surfboard or sailboard operations, the amount of \$50,000 for bodily injury or death per person, subject to the total coverage in any one accident of \$100,000 for bodily injury or death;
- (3) In the case of motorboat operations, the amount of \$100,000 for bodily injury or death per person, subject to the total coverage in any one accident of \$500,000 for bodily injury or death;
- (4) In the case of water sports equipment operations, the amount of \$100,000 for bodily injury or death per person, subject to the total coverage in any one accident of \$300,000 for bodily injury or death.

(c) The owner shall maintain the policy or policies in full force and effect during all times that the owner is engaged in the businesses described in subsection (a), unless the owner has given proof of financial responsibility as provided in section 13-251-32.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-251-32 Owner of passenger-carrying vessels, for-rent surfboards, for-rent sailboards, for-rent motorboats, and for-rent water sports equipment when no policy obtained. (a) The department shall not register any vessel, surfboard, sailboard, motorboat, or water sports equipment rented, chartered or used for carrying passengers, as the case may be, in Waikiki or Kaanapali ocean waters if the owner thereof has not given proof of financial responsibility as provided in section 13-251-31; provided no such proof is necessary if the owner demonstrates, to the satisfaction of the department, the financial ability to respond to claims for damages as follows:

- (1) If the owner applies for registration of surfboards or sailboards, in the sum of at least \$50,000 per person injured or killed in a surfboard or sailboard operation, subject to the total coverage in any one accident of \$100,000 for bodily injury or death; or
 - (2) If the owner applies for the registration of any vessel carrying passengers for hire, in the following sums for bodily injury or death per occurrence:
 - (A) \$100,000 for vessels authorized to carry not more than six passengers;
 - (B) Not less than \$300,000 for vessels authorized to carry more than six passengers but less than twenty-six;
 - (C) Not less than \$500,000 for vessels authorized to carry more than twenty-five passengers;
 - (3) In the case of motorboat operations, the amount of \$100,000 for bodily injury or death per person, subject to the total coverage in any one accident of \$500,000; or
 - (4) In the case of water sports equipment operations, the amount of \$100,000 for bodily injury or death per person, subject to the total coverage in any one accident of \$300,000.
- (b) The department shall cancel the registration of any vessel, surfboard, sailboard, motorboat or water sports equipment whenever the department determines that the owner has failed or is unable to comply with the requirements of

this section. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-251-33 to §13-251-35 (Reserved)

Subchapter 5 Registration

§13-251-36	Application for registration
§13-251-37	Grounds for refusing registration
§13-251-38	Registration indices
§13-251-39	Department to issue registration certificate
§13-251-40	Registration certificates to be exhibited upon demand
§13-251-41	Identification of vessels, surfboards, sailboards or water sports equipment registered by the department
§13-251-42	Expiration of registration
§13-251-43	Application for renewal of registration
§13-251-44	Notice of change of address
§13-251-45	Registration expired on transfer of ownership; exception
§13-251-46	New owner must secure new registration
§13-251-47	Operation of vessels without proper identification
§13-251-48	Operation of a vessel or renting of surfboards, sailboards or water sports equipment when registration suspended or revoked
§13-251-49	Authority of department to suspend or revoke
§13-251-50	Duplicate certificate
§13-251-51	Catamaran registration limitations
§13-251-52	Allocation of catamaran registrations
§13-251-53	to
§13-251-55	(Reserved)

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§13-251-36 Application for registration. (a) No person shall:

- (1) Offer for hire, navigate, operate, or sail a catamaran or canoe carrying passengers boarded or to be disembarked in or on Waikiki or Kaanapali ocean waters and shores;
- (2) Permit the use of a surfboard, sailboard or motorboat for compensation in and on the Waikiki or Kaanapali ocean waters and shores;
- (3) Permit the use of water sports equipment for compensation in and on the Waikiki or Kaanapali ocean waters and shores; or
- (4) As the owner of a vessel, surfboard, sailboard, motorboat or water sports equipment, permit or authorize those operations described in paragraphs (1), (2), or (3);

unless the vessel, surfboard, sailboard or water sports equipment has been properly registered with the department.

(b) The registration shall be initiated by the owner upon appropriate forms furnished by the department in accordance with those procedures that the department may reasonably prescribe. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-37 Grounds for refusing registration.

(a) The department shall refuse registration, or any transfer of registration, upon a finding that:

- (1) The application contains any false or fraudulent statement, the applicant has failed to furnish required information or reasonable additional information requested by the department, or the applicant is not entitled to registration this subchapter;
- (2) The vessel, surfboard, sailboard or water sports equipment is unsafe to be operated upon the Waikiki or Kaanapali ocean waters;
- (3) The registration of the vessel, surfboard, sailboard or water sports equipment stands suspended or revoked for any reason as provided in this subchapter;
- (4) The required fee has not been paid;

(5) Any catamaran:

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- (A) Engaged in carrying more than six passengers does not have a valid Coast Guard certificate of inspection; or
- (B) Engaged in carrying six or less passengers does not have a record of a condition survey, by a marine surveyor as defined in section 13-231-45, undertaken within ninety days prior to application for registration or renewal of registration, attesting that the vessel:
 - (i) Is in good material and operating condition;
 - (ii) The minimum required Coast Guard safety equipment is on board;
 - (iii) The catamaran is suitable to carry passengers in Waikiki or Kaanapali ocean waters while being propelled solely by sail;
- (6) The catamaran cannot be safely navigated in Waikiki or Kaanapali ocean waters, as appropriate, while being propelled by sail only;
- (7) The catamaran is equipped with auxiliary mechanical propulsion machinery using a propeller but does not have a propeller guard, approved by the department, permanently installed on the vessel;
- (8) The catamaran:
 - (A) Is more than forty-five feet in length for Waikiki ocean waters operation;
 - (B) Is more than sixty-five feet in length for Kaanapali ocean waters operation;
 - (C) Has a passenger capacity of more than forty-nine passengers;
- (9) The catamaran will be used to transport passengers in a shuttle-type service wherein passengers will be disembarked at a point other than at or near the embarkation point;
- (10) The applicant for a catamaran registration holds a valid registration issued by the department in accordance with this subchapter for another catamaran authorized to be used on Waikiki or Kaanapali ocean waters as applicable;

- (11) The owner has not furnished proof of financial responsibility as prescribed in this subchapter;

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- (12) The owner of a catamaran holds a valid registration issued by the department in accordance with this subchapter for another catamaran authorized to be used on Waikiki or Kaanapali ocean waters, as applicable;
- (13) The operator of any vessel, surfboard, sailboard, or water sports equipment does not hold a valid operator permit; or
- (14) Any other grounds provided by this subchapter warrants refusal of the registration or transfer of registration.
- (b) The department shall notify the owner in writing of the refusal. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-38 Registration indices. The department shall receive applications for registration of vessels, surfboards, sailboards, and water sports equipment and when satisfied of the genuineness and regularity thereof, shall register the vessel, surfboard, sailboard, or water sports equipment, and keep a record of that registration. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-39 Department to issue registration certificate.

(a) The department shall issue a registration certificate upon registering a vessel, surfboard, sailboard or water sports equipment.

(b) The registration certificate shall be issued to the owner, and shall contain the date issued, the name and address of the owner, the registration number or other vessel, surfboard, sailboard or water sports equipment identification, and the description of the vessel, surfboard, sailboard or water sports equipment as determined by the department. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-40 Registration certificates to be exhibited upon demand. Registration certificates shall be shown upon demand of a police officer, lifeguard, or a representative of the department. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-251-41 Identification of vessels, surfboards, sailboards or water sports equipment registered by the department. (a) A name, or number, or both, prescribed by law or adopted by the owner with prior approval of the department shall be painted on, or attached to each side of the bow of each catamaran, canoe, or motorboat registered by the department, in a manner prescribed by the department and in a color which contrasts with the background in order that the name, or number, or both, may be completely visible and legible. Any lettering shall be no less than three inches in height. The department may issue a decal at the time of initial registration and upon renewal. The decal shall be placed three inches aft of and in line with the name or number on the right (starboard) side.

(b) Surfboards, sailboards and water sports equipment registered by the department shall be marked by the owner with a distinctive mark or a mark together with a color or combination of colors adopted by the owner with the prior approval of the department to make the owner's surfboards, sailboards, or water sports equipment distinguishable. The department may issue a decal at the time of initial registration and upon renewal. The decal shall be affixed to a registered surfboard, sailboard or water sports equipment in a manner prescribed by the department. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-42 Expiration of registration. Every vessel, surfboard, sailboard, or water sports equipment under this part shall expire:

- (1) One year after date of registration; or
- (2) When ownership has been transferred except as provided in section 13-251-45. [Eff 2/24/94]
(Auth: HRS §§200-2) (Imp: HRS §§200-2, 200-3, 200-4)

4)

§13-251-43 Application for renewal of registration.
Application for renewal of a vessel, surfboard, sailboard,

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or water sports equipment registration shall be made by the owner upon proper application and by payment of the registration fee. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-44 Notice of change of address. Whenever any person moves from the address stated on a registration certificate or pending application for a vessel, surfboard, sailboard, or watersports equipment, the person shall notify the department in writing of the person's old and new addresses within seven days of the change in address. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-45 Registration expires on transfer of ownership; exception. Whenever the owner of a registered vessel, surfboard, sailboard, or water sports equipment transfers or assigns the owner's title or interest, or the title or interest of an owner passes to another owner other than by voluntary transfer, the registration of the vessel, surfboard, sailboard or water sports equipment shall expire; provided, that upon the incapacitation or death of the owner, the registration may be transferred to a spouse or other member of the immediate family. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-46 New owner must secure new registration. A transferee shall obtain an original registration for a vessel, surfboard, sailboard or water sports equipment before operating or renting the same upon Waikiki or Kaanapali ocean waters. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-47 Operation of vessels without proper identification. No person shall operate, nor shall an owner permit to be operated upon the Waikiki or Kaanapali ocean waters, any vessel or rented surfboard, sailboard or water sports equipment required to be registered under

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this subchapter, unless there shall be attached, painted on, or otherwise displayed a valid distinguishing name, number, or mark as required by this subchapter.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-48 Operation of a vessel or renting of surfboard, sailboards, or water sports equipment when registration suspended or revoked. No person shall operate nor shall an owner knowingly permit to be operated upon the Waikiki or Kaanapali ocean waters any vessel or rented surfboard, sailboard, or water sports equipment, the registration of which has been suspended or revoked.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-49 Authority of department to suspend or revoke registration. (a) The department may suspend or revoke the registration of a vessel, surfboard, sailboard, or water sports equipment whenever:

- (1) The department is satisfied that the registration was fraudulently or erroneously issued;
- (2) The department determines that a registered vessel is unsafe to be operated upon the Waikiki or Kaanapali ocean waters;
- (3) A registered vessel has been sold, dismantled, or wrecked, provided that the owner of the vessel at the time it was sold, dismantled, or wrecked may, upon written application to and approval by the department, transfer the registration to another vessel of like characteristics and ownership if the replacement vessel is in operation within ninety days of the transfer;

- (4) The owner of any for-rent surfboard, for-rent sailboard or water sports equipment, or vessel carrying passengers for hire has failed or is unable to give proof of financial responsibility as provided in this subchapter;
- (5) Any catamaran's Coast Guard Certificate of Inspection has expired;
- (6) Any registered vessel boards passengers on Waikiki or Kaanapali ocean waters for a shuttle-type

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service and disembarks the passengers at a point other than at or near the point of boarding; or

- (7) A registered vessel has not been engaged in carrying passengers for hire in Waikiki or Kaanapali ocean waters for a period of thirty consecutive days.

(b) Upon suspending or revoking the registration of a vessel, surfboard, sailboard or water sports equipment the department shall immediately notify the owner in writing of the reason for the suspension or revocation.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-50 Duplicate certificate. In the event that a registration certificate issued under the provisions of this part is lost or destroyed, the certificate holder may, upon the payment of the required fee, obtain a duplicate or substitute. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-51 Catamaran registration limitations.

(a) The total number of valid catamaran registrations issued under this subchapter shall not exceed four at any one time for Waikiki ocean waters or ten at any one time for Kaanapali ocean waters. An owner may apply for a future vacancy, as prescribed in section 13-251-52, if future catamarans are registered.

(b) Notwithstanding this section, all owners of catamarans holding valid registrations to operate upon Waikiki ocean waters on November 6, 1981, and all owners of catamarans operating upon or under construction for operation upon Kaanapali ocean waters on the effective date of these rules,

except catamarans engaged in a shuttle-type service, may continue operations and be permitted to apply for and renew their registration subject to compliance with all other conditions set forth in this chapter until their total number is reduced by attrition or other means to the numbers in subsection (a).

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-251-52 Allocation of catamaran registrations. (a) Application for a catamaran registration; period of validity; renewal of application.

- (1) The first owner to file an application may be offered a catamaran registration as prescribed under subsection (e) if the maximum number of catamaran registrations authorized by section 13-251-51 has not been issued and provided that no prior requests therefor are pending as provided in this section.
- (2) If the maximum number of catamaran registrations permitted by section 13-251-51 has been issued and is valid, an owner's application for a catamaran registration shall be retained and honored when the total number of valid catamaran registrations is less than the maximum limit and the issuance of an additional catamaran registration is authorized pursuant to these rules.

(A) An application for the issuance of a catamaran registration shall be made in writing to the department by the owner on a form provided by the department. The department shall accept the application for consideration by endorsing it and entering the filing time and date on the application form submitted. One copy shall be given to the applicant. The time and date the application is endorsed by the department shall be the filing date and the effective date of the application for consideration and shall establish the applicant's seniority or priority over later applicants,

if the application remains valid. No application shall be accepted unless and until the application fee prescribed in these rules is paid by the applicant and review thereof has been conducted pursuant to subsection (b).

- (B) An application shall continue in full force and effect for a period ending one year from the effective date of the application, except as provided in subparagraph (C) of this subsection, or unless sooner terminated in accordance with these rules. An application is void after the date of expiration.

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- (C) An application may be renewed within a ninety day period preceding its expiration date. An application properly renewed prior to its expiration date shall be valid for a period ending one year from the expiration date of the previous application. No application for renewal shall be accepted until the fee prescribed in these rules is paid by the applicant.

- (D) It is the policy of the department to mail an application renewal notice to an applicant prior to the expiration of the applicant's application, at the address furnished to the department under section 13-251-52(d). However, the applicant is responsible for the timely renewal of an application without receipt of a renewal notice from the department.

- (b) Review and acceptance or rejection of applications.

- (1) The department shall examine and determine the genuineness and regularity of each application and may conduct any investigation it deems necessary for its examination and determination, and it may require additional information from the applicant necessary to determine the genuineness and regularity of the application.

- (2) The department shall reject any application that

- contains a material misstatement or where the applicant has failed to disclose any material fact on the application.
- (3) An application shall not be accepted for consideration, and shall be rejected if:
 - (A) The application fee is not paid at the time application is made;
 - (B) The applicant is delinquent in the payment of any moneys due and payable to the department; or
 - (C) The applicant has pending a citation for violation of any of the department's rules.
 - (c) Upon rejection of an application, the department shall inform the applicant, in writing within a reasonable time:

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- (1) That the application has not been accepted for consideration;
 - (2) That the application has been rejected; and
 - (3) Of the department's reasons for rejection.
- An applicant may cure the defect and re-apply.
- (d) Applicant required to furnish address and report changes; effect of failure to report changes.
 - (1) An applicant shall include the applicant's address in the application to the department for a catamaran registration.
 - (2) An applicant shall immediately notify the department in writing of any changes in the applicant's address in order to maintain the validity of an application.
 - (3) An application shall be void if the department is unable to reach the applicant to offer the applicant a catamaran registration at the address:
 - (A) Appearing on the application; or
 - (B) Furnished in writing to the department by the applicant as a change of address subsequent to submitting the application.
 - (e) Withdrawal of application; effect if application has become void, expires, or been withdrawn.
 - (1) An application may be withdrawn by an applicant upon written notice to the department.
 - (2) An applicant who withdraws an application or whose application has expired or becomes void may submit a new application for acceptance by the department. Seniority begins on the date the new application is

accepted for consideration as provided in subsection (a)(2)(A).

(f) Priority in allocation of catamaran registrations. When the total number of valid catamaran registrations is less than the maximum limit authorized by section 13-251-51, the department shall offer a catamaran registration to the senior applicant eligible to receive such a registration.

(g) Notice to owner of available catamaran registration. When an offer of a catamaran registration is provided for in this section, the department shall deliver the offer or send it by certified mail - return receipt requested, addressed to the applicant eligible to receive the offer at the address furnished to the department in writing by the applicant.

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(h) Offer of catamaran registration valid only fourteen days; written notice of intention; acceptance.

(1) An applicant may decline an offer of a catamaran registration and retain the applicant's seniority if the offer is declined in writing, addressed to and received by the department not later than fourteen days after the date of receipt of the offer. An applicant who declines an offer in writing and retains seniority pursuant to this subsection, shall not be considered for another offer on the basis of the applicant's seniority until six months have elapsed since the date of the last refusal.

(2) If an applicant decides to accept the offer of a catamaran registration, the applicant shall either:

- (A) Deliver a written notice of intention to accept the offer to the department within fourteen days after the receipt of the offer; or
- (B) Accept the offer by securing a catamaran registration within fourteen days after the receipt of the offer.

(3) The applicant's application for a catamaran registration and the offer by the State of a catamaran registration shall be void if the applicant fails to either secure a catamaran registration or give written notice of intent to accept the offer within fourteen days after the receipt of the offer. The registration shall then be offered to the next

- senior applicant pursuant to this section.
- (4) An applicant who cannot immediately accept the offer but has delivered a written notice of intention to accept to the department pursuant to subsection (a)(2) shall accept the offer by securing a catamaran registration as prescribed in section 13-251-36 within fourteen days after the applicant mails or personally delivers the notice of intention to accept to the department.
 - (5) Except as provided in subsection (h)(6) if the applicant fails to secure a catamaran registration within fourteen days, the application for a catamaran registration, the offer of a catamaran registration, and the notice of intention to accept the offer shall be void, and the catamaran registration shall then be offered to the next senior applicant in accordance with these rules.

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- (6) The department may extend the deadline for acceptance prescribed in subsection (h)(2), if the applicant presents evidence to the department that the granting of additional time for compliance is reasonable and essential to prevent undue hardship; provided that any extension of time for compliance shall not exceed a period of 120 days from the date the department received from the applicant a written notice of intention to accept the offer of a catamaran registration.
- (7) Because time is of the essence, the offer delivered or mailed to an applicant pursuant to subsection (g) shall contain a statement that the offer will lapse unless accepted in accordance with the procedures of this section.
[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-53 to §13-251-55 (Reserved)

Subchapter 6 Rules of the Road

- | | |
|------------|--|
| §13-251-56 | Rules of the road |
| §13-251-57 | Waikiki restricted areas |
| §13-251-58 | Kaanapali ocean waters -
general restrictions |
| §13-251-59 | Intoxication |
| §13-251-60 | Careless operation |
| §13-251-61 | |
| to | |
| §13-251-65 | (Reserved) |

§13-251-56 Rules of the road. All vessels shall be operated in accordance with the "Navigation Rules, International - Inland" as set forth in U.S. Department of Transportation, United States Coast Guard, COMDTINST M16672.2A of 23 December 1983, and subsequent revisions thereto, which is incorporated herein by reference. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-251-57 Waikiki restricted areas. (a) The areas in Waikiki ocean waters are reserved primarily for use by bathers and swimmers, and subject to restrictions set forth in this section. This section shall not apply in the event of an emergency, or to law enforcement or rescue craft, or vessels participating under a valid regatta permit issued by the department or the Coast Guard.

- (b) Zone A, Waikiki ocean waters.
- (1) Zone A, Waikiki ocean waters means the area confined by the boundaries shown on Exhibit "B-1", June 1, 1981, located at the end of this chapter, which boundaries are described as follows:

Beginning at the makai-Ewa corner of the natatorium; then seaward on a prolongation of the Ewa wall of the natatorium to the outer edge of the reef; then along the reef in the mauka direction to the seaward end of the Kapahulu drainage groin; then seaward along a straight line connecting the seaward end of the Kapahulu drainage groin and the Ala Wai boat harbor entrance lighted buoy (Red "2"); then mauka on a prolongation of the Diamond Head boundary line of Fort DeRussy to the mean high water mark of the beach adjacent to the boundary line; then along

the mean high water mark in the Diamond Head direction to the mauka-Ewa side of the natatorium; then along the Ewa side of the natatorium in a seaward direction to, and ending at, the point of beginning;

(2) Restrictions:

- (A) No person shall navigate or moor a vessel in or on the Waikiki ocean waters, except that outrigger canoes operated by a duly organized canoe club, or a sailing catamaran, or a manually propelled outrigger canoe may be navigated, moored, or anchored

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in those waters if the vessel has been registered in accordance with this subchapter and is under the immediate control of an operator who has been issued a permit by the department to navigate in the waters. Notwithstanding this subsection, a sailing catamaran may temporarily operate in Zone A, Waikiki ocean waters, as a power-driven catamaran when necessary to protect life or property and is that vessel is registered by the department to operate in Waikiki ocean waters and under the immediate control of an operator who has been issued a valid permit by the department;

- (B) No person shall navigate or moor a catamaran in or on the waters of Zone A or on the shore below the mean high water mark if four catamarans are navigating or moored in such zone;
- (C) The minimum distance separating any two catamarans moored in Zone A shall be eighty feet; and
- (D) There shall be no surfing in the zone

between the water's edge and a point fifty yards seaward therefrom, except for learners while receiving initial instructions under the direct supervision of a primary or senior surfboard instructor who has a permit issued by the department as provided by subchapter 1.

(c) Zone B, Waikiki ocean waters.

(1) Zone B, Waikiki ocean waters, means the area confined by the boundaries shown on Exhibit "C", June 1, 1981, located at the end of this chapter, which boundaries are described as follows:

Beginning at a point where the Diamond Head side of the boundary of Fort DeRussy intersects the mean high water mark; then seaward on a prolongation of that boundary line to a straight line connecting the Ala Wai boat harbor entrance lighted buoy (Red "2") and the Ewa end of the Kapahulu drainage groin; then to the Ewa direction to the makai-Ewa corner of the breakwater makai of the Hawaiian Village rainbow tower; then Ewa along the breakwater to the mean high water mark; then along the mean high water mark; in a mauka-Diamond Head direction to, and ending at, the point of beginning;

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(2) Restrictions: No person shall navigate, moor, or anchor a vessel in or on the waters of Zone B, except that a manually propelled outrigger canoe or a catamaran propelled by sail may be operated in those waters if the vessel has been registered

in accordance with this subchapter, or that a catamaran propelled by sail capable of carrying six persons or less, with a valid permit to operate within Waikiki ocean waters under the provisions of section 13-251-51, may anchor overnight in the area adjacent to the groin in the vicinity of the Ala Wai Heliport.

Notwithstanding this subsection, vessels operating from the Hilton Hawaiian Village pier are exempt from the restrictions in this paragraph

(d) Zone C, Waikiki ocean waters.

(1) Zone C, Waikiki ocean waters, means the area confined by the boundaries shown on Exhibit "D", June 1, 1981,

located at the end of this chapter, which boundaries are described as follows:

Beginning at the makai-Ewa corner of the concrete drainage groin located seaward of the junction of Kapahulu and Kalakaua Avenues; then to a point one-hundred sixty yards in the Diamond Head direction on a straight line at right angles to the long axis of the groin; then to a point one hundred yards seaward on a straight line parallel to the long axis of the groin; then to a point three hundred ten yards in the Ewa direction on a straight line at right angles to the long axis of the groin; then in the shoreward direction on a straight line parallel to the long axis of the groin to the point where this line meets the concrete seawall; then in the Diamond Head direction to, and ending at, the point of beginning.

- (2) Restrictions: No person shall navigate or moor a vessel or navigate or otherwise use a surfboard in or on the waters of Zone C, except that paipo boards not in excess of four feet in length and without skegs or any other fin-like projections protruding from the bottom of the boards are permitted to be used on the waters.

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- (e) Zone D, Waikiki ocean waters.
(1) Zone D, Waikiki ocean waters, means the area confined by the boundaries shown on Exhibit "E", June 1, 1981, located at the end of this chapter, which boundaries are described as follows:

Beginning at a point where the Diamond Head wall of the Natatorium intersects the mean high water mark; then along the wall in a seaward direction to the makai-Diamond Head corner; then in a Diamond Head direction on a straight line to the seaward end of the first groin Diamond Head of the Sans Souci pier; then in a mauka direction along the groin to the mean high water mark; then in an Ewa direction along the mean high water mark to, and ending at, the point of beginning.

- (2) Restrictions: No person shall navigate or moor a vessel in or on the waters of Zone D, except that a

manually propelled outrigger canoe operated by a duly organized canoe club, or a commercially operated manually propelled outrigger canoe may be navigated in these waters if the vessel has been registered in accordance with this chapter and is under immediate control of an operator who has a valid permit issued by the department in accordance with subchapter 1.

(f) Zone E, Waikiki ocean waters. Zone E is the area encompassed by the boundaries of the zone shown on Exhibit "C-1", dated May 15, 1990, and located at the end of this subchapter. The boundaries of Zone E are described as follows:

Beginning at the shoreline on the western edge of the Kapahulu Groin, then to the intersection of the Kapahulu Groin and the Kuhio Beach seawall, then in a westerly direction along the seaward edge of the Kuhio Beach seawall to the groin fronting the Honolulu Police substation, then along the Kuhio Beach shoreline to the point of beginning.

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Zone E is designated as a swimming, bathing and wading zone. No person shall engage in fishing by any means or device from the Kuhio seawall to the shoreline between the Kapahulu Groin and the Ewa groin. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-58 Kaanapali ocean waters, general restrictions.

(a) The Kaanapali ocean waters are subject to the following restrictions. This section shall not apply in the event of an emergency, to law enforcement or rescue craft, to vessels participating under a valid ocean waters permit issued by the department, or to Hawaiian design canoes engaged in crew training.

(1) No person shall navigate any vessel at a speed in excess of "slow no wake" (five (5) miles per hour)

- within five hundred feet of the shoreline;
- (2) No person shall navigate a motorboat within two hundred feet of the shoreline, diver's flag, or designated swimming area nor shall any person navigate a commercial motorboat within five hundred feet of the shoreline except within a designated ingress/egress corridor. Notwithstanding this paragraph, vessels engaged in fishing outside the designated ingress/egress corridors are exempt from the two-hundred-foot shoreline restriction, provided that designated swimming areas are approached with caution and due care;
 - (3) No person shall navigate a motorboat within three hundred feet of a vessel engaged in fishing;
 - (4) A vessel engaged in fishing shall not impede the passage of any vessel passing through a designated ingress/egress corridor;
 - (5) Valid permits for persons offering commercial motorboats shall not exceed three in number. Any company in operation on Kaanapali ocean waters and properly registered with the department of commerce and consumer affairs as of the effective date of these rules may apply for and renew its permit as long as the company remains properly registered with that department and complies with its rules. The rental of not more

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- than six commercial motorboats per rental concession is permitted at any one time;
- (6) No person shall embark or disembark passengers on the beach to or from a catamaran registered to carry passengers for hire when the vessel exceeds sixty-five feet in length or a passenger carrying capacity of forty-nine persons unless prior permission to navigate is obtained from the department for each trip through these waters. Notwithstanding this paragraph, any company currently operating a catamaran which exceeds sixty-five feet in length or a passenger carrying capacity of forty-nine persons, which is in business on Kaanapali ocean waters and properly registered with the department of commerce and consumer affairs as of the effective date of these rules may apply for and renew its permit so long as the company remains in business, remains

properly registered with the department of commerce and consumer affairs, and complies with the rules of that department;

- (7) No person shall anchor or moor a vessel, barges, platform, or raft within two hundred feet of the shoreline or a designated ingress/egress corridor; and
- (8) No person shall navigate or moor a vessel engaged in commercial use unless the vessel has been registered and the owner has a valid permit issued in accordance with this chapter.
- (b) Zone A, Kaanapali ocean waters.
- (1) This zone is designated primarily for swimming, bathing, snorkeling and diving, and means the area confined by the boundaries shown and described in Exhibit "E(1)", July 9, 1984, located at the end of this chapter, which boundaries are described as follows:

Beginning at a point on the vegetation line six hundred fifty feet north along the mean high water mark from the intersection of the extended centerline of Kaniau Road and the vegetation line; thence running by azimuths measured clockwise from True South: 080 degrees for a distance of two hundred feet; 146 degrees 30 minutes for a distance of three thousand seven hundred fifty

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feet; 206 degrees to a point on the vegetation line; thence southward along the vegetation line to the point of beginning.

- (2) No person shall navigate or moor a vessel, surfboard, sailboard or any other water recreational device in or on the waters of Zone A, provided that this restriction shall not apply to:
 - (A) Paipo boards not in excess of four feet in length and without skegs or any other fin-like projections protruding from the bottom of the boards;
 - (B) Hawaiian design club canoes engaged in crew training; and
 - (C) Vessels engaged in fishing during periods of low use of the beach.
- (c) Zone B, Kaanapali ocean waters
- (1) This zone is an area designed primarily for swimming, bathing, snorkeling and diving, and means the area

confined by the boundaries shown on Exhibit "E(1)", July 9, 1984, located at the end of this chapter and defined as:

Beginning at a point on the vegetation line seven hundred fifty feet south along the vegetation line from the southernmost tip of Keka'a Point shoreline, thence running by azimuths measured clockwise from True South: 068

degrees for a distance of two hundred feet; 156 degrees for a distance of two hundred fifty feet; 078 degrees 30 minutes for a distance of three hundred fifty feet; 156 degrees for a distance of six hundred feet; 221 degrees for a distance of five hundred feet; 287 degrees to a point on the vegetation line; thence southward along the vegetation line to the point of beginning.

- (2) The same restrictions and exceptions thereof applicable to Zone A are applicable to Zone B.
- (d) Ingress/Egress zones.
- (1) These zones shall be established at intervals along the shoreline to provide beach access, through corridors, for all vessels governed by this chapter. Each zone shall be five hundred feet wide at the shoreline and shall extend seaward for a distance of five hundred feet.

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Zone number one begins at the point where the north bank of Wahikuli Stream intersects the vegetation line; then northward along the vegetation line for a distance of five hundred feet.

Zone number two begins at a point on the vegetation line which is two thousand three hundred feet north along the vegetation line from a point where the north bank of Wahikuli Stream intersects the vegetation line; then northward along the vegetation line for a distance of five hundred feet.

Zone number three begins at a point on the vegetation line which is two thousand four hundred feet south along the vegetation line from the vegetation line of the southernmost tip of Keka'a Point shoreline; then southward along the vegetation line for a distance of five hundred feet.

Zone number four begins at a point on the vegetation line which is seven hundred fifty feet south along the vegetation line from the vegetation line from the southernmost tip of Keka'a Point shoreline; then southward along the vegetation line for a distance of five hundred feet.

Zone number five begins at a point on the vegetation line which is eight hundred twenty-five feet north along the vegetation line from the vegetation line from the southernmost tip of Keka'a Point shoreline, then northward along the vegetation line for a distance of five hundred feet.

- (2) No person shall navigate a vessel within an ingress/egress zone unless operating within an ingress/egress corridor; provided that this restriction shall not apply to Hawaiian design club canoes engaged in crew training;
- (e) Ingress/Egress corridors.
- (1) These corridors shall be contained within each ingress/egress zone. Each corridor shall be one hundred feet wide and shall be established daily by the users of the corridor to determine the best

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direction for approach to or departure from the shoreline under existing wind and sea conditions.

- (2) No person shall:
 - (A) Navigate a commercial vessel or noncommercial motor powered vessel to or from the beach area unless using a designated ingress/egress corridor;
 - (B) Navigate a catamaran, registered for carrying passengers for hire, in an ingress/egress corridor, or approach the shoreline within a distance of five hundred feet, if another catamaran is beached within the boundaries of the intended corridor of use;
 - (C) Beach a catamaran, registered for carrying passengers for hire, in an ingress/egress corridor in excess of thirty minutes; and
 - (D) Navigate a vessel within an ingress/egress corridor at a speed exceeding slow-no-wake. Slow-no-wake means as slow as possible without losing steerageway and so as to make the least

possible wake. This would almost always mean speeds of less than five miles per hour.

- (3) Exceptions to the restrictions for Ingress/Egress Zones are applicable to Ingress/Egress Corridors. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-59 Intoxication. (a) No person who is under the influence of intoxicating liquor, narcotics, or other habit-forming drug shall operate or be in actual physical control of any vessel, surfboard, sailboard, or water sports equipment.

(b) No owner of any vessel, surfboard, sailboard, or water sports equipment or any person in charge or in control of any vessel, surfboard, sailboard, or water sports equipment shall authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, or narcotic, or other habit-forming drug. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-251-60 Careless operation. No person shall operate a vessel, surfboard, sailboard or water sports equipment in a careless or heedless manner so as to endanger other persons or the property of other persons. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-61 to §13-251-65 (Reserved)

Subchapter 7 Special operating Restrictions

§13-251-66	Canoe operation; required crew
§13-251-67	Catamaran crews
§13-251-68	Catamarans; mooring of
§13-251-69	Learner steersperson
§13-251-70	
to	
§13-251-75	(Reserved)

§13-251-66 Canoe operation; required crew. (a) No person shall operate nor shall any owner authorize or permit a canoe carrying passengers for hire to engage in canoe surfing unless the canoe meets all requirements of these rules and a canoe captain and canoe second captain, each having a valid permit issued by the department, are aboard; provided, that a two-man canoe shall have either a canoe captain or second captain on board.

(b) No person shall operate nor shall any owner authorize or permit a canoe to transport passengers for hire unless the canoe meets all requirements of these rules and a canoe captain or second captain, each having a valid permit issued by the department, is on board. In these instances the senior crew member aboard shall not permit the vessel to be utilized for canoe surfing unless a minimum crew as provided in subsection (a) is on board. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-251-67

§13-251-67 Catamaran crews. No person shall operate nor shall any owner authorize or permit a catamaran to transport passengers for hire, except cruising catamarans as described in section 13-251-1, unless the catamaran meets all requirements of these rules and a catamaran captain, having a permit issued by the department, and at least one other crew member are aboard. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-68 Catamarans; mooring of. (a) Catamarans moored in a restricted area (13-251-57) shall be moored below the mean high water mark at catamaran moorings so designated by the department and in a manner approved by the department.

(b) Operators of catamarans moored in a restricted area (13-251-57(1)) shall lower the catamarans' sails to prevent obstructing the view from lifeguard stations upon request of a Honolulu city and county lifeguard. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-69 Learner steersperson. (a) A learner

steersperson shall steer an outrigger canoe engaged in canoe surfing only on a wave which is not carrying another canoe.

(b) A learner steersperson shall not steer an outrigger canoe carrying passengers for hire.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-251-70 to §13-251-75 (Reserved)

Subchapter 8 Soliciting Prohibited
in or on Waikiki
and Kaanapali Ocean
Waters

§13-251-76 Soliciting

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§13-251-76

§13-251-76 Soliciting. No person shall solicit business of any kind in or on Waikiki or Kaanapali ocean waters and beach. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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HAWAII ADMINISTRATIVE RULES

CHAPTER 252 ENFORCEMENT, PENALTIES, ACCIDENTS, AND REPORTS

	Historical note
§13-252-1	Accidents involving death, personal injury or damage to property
§13-252-2	Duty to render aid and give information
§13-252-3	Duty upon striking buoys, aids to navigation or other property
§13-252-4	Immediate notice of accident
§13-252-5	When operator unable to report
§13-252-6	Littering or polluting water - prohibited
§13-252-7	Penalties
§13-252-8	Powers of arrest
§13-252-9	Taking legal custody of property
§13-252-10	Attorney general

Historical note. This chapter is based on accidents and accident reports and enforcement; penalties of the Hawaii Shore Waters Rules, effective November 6, 1982, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

§13-252-1 Accidents involving death, personal injury or damage to property. The operator of any vessel or surfboard involved in a collision, accident, or other casualty resulting in injury to or death of any person which is operated or attended by any person shall immediately stop at the scene of the accident or as close thereto as possible without serious danger to the operator's own life, vessel, crew, and passengers and

§13-252-1

remain at the scene of the accident until the operator has fulfilled the requirements of section 13-252-2.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-252-2 Duty to render aid and give information. The operator of any vessel or surfboard involved in a collision, accident, or other casualty resulting in injury to or death of any person or damage to any vessel or surfboard operated or attended by any person shall, so far as can be accomplished without serious danger to the operator's own life, vessel, crew, and passengers, render to other persons affected by the collision, accident, or other casualty that assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the accident, and shall give the operator's name, address, and the registration number of the vessel (if applicable) being operated, to the person struck or the operator, occupant of, or person attending any vessel or surfboard struck. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-252-3 Duty upon striking buoys, aids to navigation or other property. The operator of any vessel or surfboard involved in an accident resulting only in damage to buoys, aids to navigation, markers or other unattended property shall take reasonable steps to locate and notify the owner or persons in charge of the property of the accident and of the operator's name and address and shall make a report of the accident when and as required in section 13-252-4. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-252-4 Immediate notice of accident. The operator of any vessel or surfboard involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of \$200 or more shall as soon as possible, after fulfilling the requirements of section 13-252-2, by the quickest means of communication give notice of the accident to a city and county lifeguard or to

the city and county police department and to any other persons or agencies as may be required by other laws or rules. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-252-5 When operator unable to report. (a) An accident report is not required under this part from any person who is physically incapable of making a report during the period of that person's incapacity.

(b) Whenever the operator of a vessel or surfboard is physically incapable of giving an immediate notice of an accident as required in section 13-252-4 and there is another occupant in the vessel or on the surfboard at the time of the accident capable of doing so, that occupant shall give or cause to be given the notice which the operator cannot give.

(c) Whenever the operator is physically incapable of making a report of an accident as required by section 13-252-4 and the operator is not the owner of the vessel or surfboard, then the owner of the vessel or surfboard involved in the accident shall, immediately after learning of the accident, make the report not made by the operator. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-252-6 Littering or polluting water - prohibited. No person shall place, throw, deposit, or discharge, or cause to be placed, thrown, deposited, or discharged into the ocean waters or shores any litter, sewage, or other gaseous, liquid, or solid materials which render the water unsightly, noxious, or otherwise unwholesome and detrimental to the public health and welfare or to the enjoyment of the water or shore. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-252-7 Penalties. Any person who is guilty of violating these rules shall be punished as provided in section 200-25, Hawaii Revised Statutes. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §200-25)

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§13-252-8

§13-252-8 Powers of arrest. Any police officer or any employee, agent, or representative of the department

authorized by the chairperson of the board of land and natural resources who observes any violation by any person of these rules may forthwith arrest the person without a warrant. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4, 200-24) (Imp: HRS §200-2, 200-3, 200-4, 200-24)

§13-252-9 Taking legal custody of property. As incident to a lawful arrest, the arresting authority may take legal custody of any personal property which is the subject of or related to any violation of these rules. The property may be released only upon approval by the court which has jurisdiction of the case. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4, 200-27) (Imp: HRS §§200-2, 200-3, 200-4, 200-27)

§13-252-10 Attorney general. The attorney general may bring appropriate proceedings to enjoin the continuance of any act or omission in violation of these rules. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

HAWAII ADMINISTRATIVE RULES

CHAPTER 253

REGISTRATION AND PERMIT FEES

Historical note

§13-253-1	Registration fees
§13-253-2	Permit fees
§13-253-3	Duplicate certificate fee
§13-253-4	When fees returnable
§13-253-5	Catamaran registration application fee

Historical note. This chapter is based on registration and permit fees of the Hawaii Shore Waters Rules, dated November 6, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

§13-253-1 Registration fees. The following registration fees shall be paid to the department for the registration of catamarans, canoes, and surfboards, subject to registration hereunder.

Original Renewals

Catamarans, each vessel	\$5.00	\$3.50
Canoes, each vessel	\$5.00	\$3.50
Surfboards, each board	.10	.10

The minimum fee for surfboards shall be \$1.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-253-2 Permit fees. A \$2 permit fee shall be paid to the department for the issuance or renewal of a permit issued and renewed pursuant to these rules. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-253-3

§13-253-3 Duplicate certificate fee. A \$1 fee shall be paid to the department for a duplicate registration certificate or permit lost or destroyed, provided that the duplicating fee for surfboards will be ten cents for each board with a minimum of \$1. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-253-4 When fees returnable. Whenever the department, through error collects any fee not required to be paid by these rules, the fee shall be refunded to the person paying the fee upon application made within a month after the date of the payment. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-253-5 Catamaran registration application fee. Prior to filing or renewing an application for the issuance of a catamaran registration as provided in section 13-251-36, the applicant shall pay to the department a nonrefundable application fee of \$5. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

HAWAII ADMINISTRATIVE RULES

CHAPTER 254

LOCAL OCEAN WATERS AND BEACHES

Historical note. This chapter is based on rules governing Makapuu Shore Waters Rules, Kailua Shore Waters Rules and Brennecke Beach Shore Waters Rules of the Hawaii Shore Waters and Shores Rules, dated November 6, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related boating activity was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

Subchapter 1 Rules Governing Makapuu Ocean Waters

Historical note

§13-254-1	Definitions
§13-254-2	Bathing area
§13-254-3	Paipo boards
§13-254-4	Restrictions
§13-254-5	Exceptions

§13-254-1 Definitions.

"Makapuu ocean waters" means the area confined by boundaries as shown on Exhibit F, June 1, 1981, and located at the end of this chapter, and also described as follows:

- (1) Beginning at a point, being the mean high water mark which is directly opposite from the northeast corner of the Makapuu Beach Park Building;
- (2) In the Makapuu Point direction along the mean high water mark to the tip of Makapuu Point; and
- (3) Along a straight line connecting the point described in (2) above to, and ending at the point of beginning.

§13-254-1

"Operate" means to navigate or otherwise use a vessel, surfboard, or paddle board (paipo board).

"Outrigger canoe" means a boat equipped with a framework terminating in a float, extended outward from the side of the boat to prevent upsetting.

"Paddleboards" (paipo boards) means any type of board that is (a) without skegs, (b) does not exceed four feet in length, and (c) is used for the sport of surfriding. [Eff 2/24/94]
(Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-2 Bathing area. The Makapuu ocean waters [and shores] are primarily reserved for bathing and swimming. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-3 Paipo boards. The use of paipo boards, is permitted within the Makapuu ocean waters. [Eff 2/24/94]
(Auth: §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-4 Restrictions. No person shall operate a vessel or a surfboard in the Makapuu ocean waters. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4)
(Imp: HRS §§200-2, 200-3, 200-4)

§13-254-5 Exceptions. If approved by the department of land and natural resources, the restrictions cited in section 13-254-4 may be waived for certain public events. The restrictions cited in section 13-254-4 shall not apply in cases of emergencies nor to authorized personnel on duty for the safety and protection of the general public. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4)
(Imp: HRS §§200-2, 200-3, 200-4)

Subchapter 2 Rules Governing Kailua
Bay Ocean Waters

§13-254-6	Restricted areas
§13-254-7	Restrictions
§13-254-8	Exceptions

§13-254-6 Restricted areas. The portions of the Kailua Bay ocean waters, confined by the boundaries shown on Exhibits G and H, June 1, 1981, and located at the end of this chapter, are reserved for bathing and swimming and subject to restrictions prescribed in these rules. The restricted areas of the Kailua Bay ocean waters are more particularly described as follows:

(1) Restricted Area A:

- (A) Beginning at a point where the mean high water mark intersects a seaward prolongation of the Kaneohe boundary of the walkway easement leading from Kai One Place to the sea;
- (B) In the Lanikai direction along the mean high water mark to the point where the mean high water mark intersects a seaward prolongation
of the Kaneohe boundary of the
walkway easement leading from
Pilipu Place to the sea;
- (C) To a point one hundred yards seaward on the prolongation of the Kaneohe boundary of the walkway easement leading from Pilipu Place;
- (D) In the Kaneohe direction on a straight line at right angles to the seaward prolongation of the Kaneohe boundary of walkway easement leading from Pilipu Place to a point where the line intersects a seaward prolongation of the Kaneohe boundary of the walkway easement leading from Kai One Place; and
- (E) Along a straight line in the shoreward direction to, and ending at the point of beginning.

(2) Restricted Area B:

- (A) Beginning at a point where the mean high water mark intersects a seaward prolongation of the Lanikai boundary of the walkway easement located approximately 110 feet in a Lanikai direction from Dune Circle and leading to the sea from North Kalaheo Avenue;

§13-254-6

- (B) In the Lanikai direction along the mean high water mark to the point where the mean high water mark intersects a seaward prolongation of the Lanikai boundary of the walkway easement leading to the sea from Kalaka Place;
- (C) To a point one hundred yards seaward on the prolongation of the Lanikai boundary of the walkway easement leading to the sea from Kalaka Place;
- (D) In the Kaneohe direction on a straight line at right angles to the seaward prolongation of the Lanikai boundary of the walkway easement leading from Kalaka Place to a point where the line intersects a seaward prolongation of the Lanikai boundary of the walkway easement leading to the sea from North Kalaheo Avenue; and
- (E) Along a straight line in the shoreward direction to, and ending at the point of beginning. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-7 Restrictions. No person shall operate a vessel, surfboard, paipo board, or other device used in the sport of surfriding in the restricted areas of the Kailua Bay ocean waters. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-8 Exceptions. The restrictions cited in section 13-254-7 may be waived by the chairperson of the board of land and natural resources for certain public events. The restrictions cited in section 13-254-7 shall not apply in cases of emergencies nor to authorized personnel on duty for the safety and protection of the general public. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

Subchapter 3 Rules Governing
 Brennecke Beach
 Ocean Waters

§13-254-9	Definition
§13-254-10	Restricted area
§13-254-11	Restrictions
§13-254-12	Exceptions

§13-254-9 Definition.

"Brennecke beach ocean waters" means the portions of Poipu ocean waters shown on Exhibit "I", June 1, 1981, and located at the end of this chapter, and more particularly described as follows:

- (1) Beginning at a point where the mean high water mark intersects a seaward prolongation of the east boundary of Maa Road;
- (2) In the Poipu Beach Park direction along the mean high water mark to the tip of the rocky point opposite the southeast corner of Poipu Beach Park; and
- (3) Along a straight line to, and ending at the point of beginning. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-10 Restricted area. The Brennecke Beach ocean waters are primarily reserved for bathing, swimming, and body surfing subject to restrictions prescribed in these rules. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-11 Restrictions. No person shall operate a surfboard or paipo board in the restricted area of the Brennecke Beach ocean waters. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-12

§13-254-12 Exceptions. Section 13-254-11 shall not apply to:

- (1) The operation of surfboards and paipo boards in connection with public surfing events for which the chairperson of the board of land and natural resources may grant permission in writing;
- (2) Emergencies; and
- (3) Authorized personnel on duty to protect the health and safety of the general public. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

Subchapter 4 Rules Governing
Point Panic Ocean Waters

§13-254-13	Definition
§13-254-14	Restrictions
§13-254-15	Exceptions

§13-254-13 Definition.

"Point Panic ocean waters" means the portion of Kewalo ocean waters confined by the boundaries shown on Exhibit "J", June 1, 1981, located at the end of this chapter, which boundaries are described as follows:

- (1) Beginning at a point where the mean high water mark intersects a seaward prolongation of the west boundary of Ahui Street;
- (2) In a Diamond Head direction along the mean high water mark to the point where the mean high water mark intersects the west boundary of the Kewalo Basin seawall;
- (3) To a point one hundred yards seaward on a prolongation of the Kewalo Basin seawall;
- (4) In an ewa direction on a straight line at right angles to the seaward prolongation of the Kewalo Basin seawall to a point where the line intersects a seaward prolongation of the west boundary of Ahui Street; and
- (5) Along a straight line in a shoreward direction to, and ending at the point of beginning.
[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-14 Restrictions. (a) No person shall operate a surfboard in the restricted area of the Point Panic ocean waters.

(b) Restricted area. Point Panic ocean waters are primarily reserved for bathing, swimming and body-surfing, and paipo board riding subject to restrictions prescribed in these rules. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-254-15 Exceptions. Section 13-254-14 shall not apply to:

- (1) The operation of surfboards in connection with public surfriding events which the chairperson of the board of land and natural resources may grant permission in writing;
- (2) Emergencies; and
- (3) Authorized personnel on duty to protect the health and safety of the general public.
[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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HAWAII ADMINISTRATIVE RULES

CHAPTER 255

WAIKIKI BEACH

Historical note

§13-255-1	Purpose and scope
§13-255-2	Interpretation
§13-255-3	Severability
§13-255-4	Reserved
§13-255-5	Definitions
§13-255-6	Waikiki Beach uses and activities; restrictions
§13-255-7	Penalties
§13-255-8	Powers of arrest
§13-255-9	Taking legal custody of property
§13-255-10	Attorney general

Historical note: This chapter is based on the rules governing Waikiki Beach, effective November 6, 1981, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activity was transferred from the Department of Transportation, Harbors Division to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

§13-255-1 Purpose and scope. The purpose of these rules is to further the public interest and welfare and to promote safety by keeping Waikiki Beach, as defined in section 13-255-5, free and clear of business activities and obstructions and open for the use of the public as a bathing beach and for passing over and along by foot.
[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-255-1 Interpretation. If any section of these rules is inconsistent with any act of the Congress of the United States or any rule, or standard established pursuant thereto, the section shall be construed to be superseded or

§13-255-2

governed thereby. Nothing contained in these rules shall be construed to limit the powers of any state department or agency. These rules shall be construed liberally and consistent with the purpose stated in section 13-255-1. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-255-3 Severability. These rules are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons or property shall not be affected. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-255-4 Reserved

§13-255-5 Definitions. As used in this part, unless the context clearly indicates otherwise:

"Business" means all activities engaged in or caused to be engaged in by any person or legal entity with the object of making a profit or obtaining an economic benefit either directly or indirectly.

"Chairperson" means the chairperson of the board of land and natural resources of the State of Hawaii or a duly authorized representative or subordinate.

"Department" means the department of land and natural resources of the State of Hawaii.

"Person" means any individual, partnership, firm, society, incorporated association, joint venture, group, hui, joint stock company, corporation, trustee or any other legal entity.

"Rules" means the Rules Governing Hawaii Ocean Waters, Navigable Streams and Beaches of the department of land and natural resources, State of Hawaii.

"State" means the State of Hawaii.

"Waikiki Beach" means any and all lands along the shores of the island of Oahu from the Diamond Head boundary

of the Elks Club (Tax Map Key No. 3-1-32-6) to the Diamond Head boundary of Fort DeRussy (Tax Map Key No. 2-6-05), seaward of line "A" as shown on exhibit "A" and described in exhibit "B", dated July 13, 1965, and located at the end of this chapter, over which the State of Hawaii now has or hereafter acquires an easement for the use of the public as a bathing beach and for passing over and along by foot. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-255-6 Waikiki Beach uses and activities; restrictions. (a) Permitted activities. Waikiki Beach is open to public use for sunbathing, foot traffic, swimming, and other activities which, when engaged in, will not unduly disrupt others from enjoying the beach.

(b) Business operations, soliciting prohibited. No person shall engage in, conduct, transact, or solicit business of any kind on or at Waikiki Beach.

(c) Storage, parking, and display prohibited. No person shall store, park, moor, place, or display any thing or personal property on or at Waikiki Beach for the purpose of engaging in, conducting, transacting, or soliciting business of any kind; provided that an outrigger canoe or sailing catamaran registered by the department pursuant to Hawaii ocean waters and shores rules may be placed, moored, or anchored below the mean high water mark.

(d) Structures and obstructions prohibited. No person shall construct, erect, place, deposit, or set up any building, structure, booth, wall, obstruction, or any improvement of any kind, whether temporary, portable, or permanent in nature, on or at Waikiki Beach, except such as may be approved by the department for sporting events, public safety, or for beach construction, repairs, preservation, or cleaning. In addition to any other available remedies, the department may remove, raze, or demolish the same wherever found at Waikiki Beach.

(e) Ball, etc., playing and kite flying prohibited. No person shall throw, cast, catch, kick, or strike any type of ball, frisbee, or other similar object while on or at Waikiki Beach. No person shall fly a kite of any kind while on or at Waikiki Beach. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4, 200-06)

§13-255-7 Penalties. Any person who is guilty of violating these rules shall be fined not more than \$10,000 as provided in section 200-14, Hawaii Revised Statutes. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §200-14)

§13-255-8 Powers of arrest. Any law enforcement officer or any duly authorized employee, agent, or representative of the department who observes any violation by any person of these rules may forthwith arrest the person without a warrant. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-3, 200-4)

§13-255-9 Taking legal custody of property. As incident to a lawful arrest, the arresting authority may take legal custody of any personal property which is the subject of or related to any violation of these rules. The property may be released only upon approval by the court which has jurisdiction of the case. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-255-10 Attorney general. The attorney general may bring appropriate proceedings to enjoin the continuance of any act or omission in violation of these rules. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

HAWAII ADMINISTRATIVE RULES

CHAPTER 256 OCEAN RECREATION MANAGEMENT
RULES AND AREAS

Subchapter 1 General Provisions for
the Ocean Recreation
Management Plan

Historical note

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to	
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Historical note. This chapter is based on the Ocean Recreation Management Rules and Areas, effective October 1, 1988, and as amended thereafter by the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94]

§13-256-1 Purpose and Scope. (a) The purpose of these rules is to reduce conflicts among ocean water users, especially in areas of high activity. The department has designated ten "Ocean Recreation Management Areas", which are described in subchapters 2 through 11, of this chapter.

(b) All other waters of the state within three thousand feet seaward of the base line of the territorial sea are established as non-designated ocean recreation management areas subject to this chapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-2 Interpretation. (a) If any section of these rules is inconsistent with any law of the State of Hawaii, or any laws of the United States, or any rule, or standard established pursuant to federal law, the State law or federal law, rule or standard shall govern. Nothing contained in these rules shall be construed to limit the powers of any department or agency of the state.

(b) These rules shall be construed liberally, consistent with the purpose stated in section 13-256-1.

(c) In areas designated for a specific use, if another use is not specifically restricted, that use is presumed to be allowed in addition to the use for which the area is designated, unless otherwise prohibited by this chapter. [Eff 2/24/94] (Auth: HRS §§200-22, 200-24) (Auth: HRS §§200-22, 200-24)

§13-256-3 Commercial operator permit requirements. (a) All operators of commercial vessels, water craft or

water sports equipment shall apply for a commercial operator permit to be issued by the department. The applicant for such permit shall comply with the applicable provisions stated in Hawaii Administrative Rules, and Ocean Waters, Navigable Streams and Beaches, Sections 13-251-1 through 13-251-20. A valid commercial use permit issued to the owner of a vessel to operate from state harbor or launching ramp facilities shall satisfy the commercial operator permit requirement of this section for the operation of that particular vessel.

(b) The department shall establish and maintain a Recreation Advisory Committee of not less than three for each recreation management area as defined in this chapter to review and make recommendations for commercial operator permit to be issued by the department as required by this section. The department shall consider the recommendations of the Advisory Committee, but is not bound by the recommendations. Members of the Recreation Advisory Committee shall have not less than three years experience in their area of specialty. [Eff 2/24/94] (Auth: HRS §§200-22, 200-24) (Imp: HRS §§200-22, 200-24)

§13-256-4 Commercial Vessel and water sports equipment registration requirements. (a) All commercial vessels, water craft or water sports equipment shall be registered with the department for commercial use in compliance with Sections 13-251-36 to 13-251-52.

(b) Commercial use permits issued by the department for commercial vessels operating from state harbors or boating facilities are exempt from the requirements of this section. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-5 Commercial use permits; public auction. (a) Unless otherwise provided by law, all commercial use permits issued by the department under this chapter for thrill craft or parasail operations may be made at public auction under sealed bid after public notice.

(b) Before any prospective bidder is entitled to submit a bid for a commercial use permit, the prospective bidder shall, not less than six calendar days prior to the

day designated for opening bids, give written notice of its intention to bid to the officer charged with issuing the commercial use permits. Each prospective bidder shall submit answers, under oath, to questions contained in a questionnaire, provided by the department, setting forth a complete statement of the experience, competence and financial standing of the prospective bidder. The names and the number of persons who have submitted a notice of intention to bid shall not be divulged. Information contained in the answers to the questionnaire shall remain confidential, and any government officer or employee who knowingly divulges or permits to be divulged any such information to any person not fully entitled thereto shall be fined not more than \$250. A questionnaire so submitted shall be returned to the bidder after having served its purpose.

(c) Advertisement for bids. Publication of a call for tenders shall be made not less than three times on not less than three different days in a newspaper of general circulation printed and published within the State and in a newspaper of general circulation published in the county in which the designated area is located. The first publication shall be not less than three weeks prior to the date designated for the opening of tenders. Notice of the call for tenders shall contain the following:

- (1) Location where the bid questionnaire is available;
- (2) Time and place of the opening of tenders;
- (3) General description of the designated area;
- (4) Specific use for which the commercial use permit is intended; and
- (5) The upset price as established by the department. Unless a higher amount is specified for a specific commercial use permit the annual upset price shall be \$900.00, which is the monthly charge of \$75.00. If the commercial use permit is located within an area which requires less than twelve months of operation, the upset price shall be adjusted accordingly.

(d) All bids shall be sealed and delivered to the officer advertising therefor and shall be opened by the officer at the time and place to be stated in the call for tenders which time shall not be less than ten days after the last publication, in the presence of all bidders who attend, and may be inspected by any bidder. All bids which

do not comply with the requirements of the call for tenders shall be rejected. The officer calling for bids may reject any or all bids and waive any defects when in the officer's opinion such rejection or waiver will be in the best interest of the public.

(e) All bids shall be accompanied by a deposit of legal tender, or a certificate of deposit, cashier's check or certified check on a bank that is insured by the Federal Deposit Insurance Corporation, or on a savings institution insured by the Federal Savings & Loan Insurance Corporation or by a share certificate issued by a credit union insured by the National Credit Union Administration, in a sum of not less than five per cent of the amount bid, payable at sight to the officer advertising for tenders. A bid deposit may also be in the form of a surety bond conforming to the requirements of Section 103-31, Hawaii Revised Statutes.

(f) If the highest bidder to whom the commercial use permit is awarded fails or neglects to fully comply with the terms and conditions for the issuance of the commercial use permit within ten days after the award or within such further time as the officer awarding the permit may allow, the bidder shall forfeit the bid deposit to the State. If the permit is issued, the bid deposit shall be returned to the permittee upon receipt of the first monthly payment. The deposits made by the unsuccessful bidders shall be returned to them after the commercial use permit is issued or if the commercial use permit is not awarded or issued after the officer's determination to publish another call for tenders or not to issue any commercial use permit.

(g) The commercial use permit shall be awarded to the highest qualified bidder. If there is more than one authorized commercial operating area in a particular designated area, then the permit for each operating area shall be made by a separate call for tenders.

(h) No commercial operator shall be awarded more than one commercial use permit per designated area. Each bidder shall be awarded only one commercial use permit per designated area. Thus, if a bidder is the highest qualified bidder on more than one operating area then that bidder shall choose one operating area and the bidder's other bids shall be deemed withdrawn.

(i) Each commercial use permit shall be valid for one year with an option to renew the commercial use permit no

more than four times, which shall be accomplished on or before the anniversary date of its initial issuance. A permittee

interested in renewing its commercial use permit, shall however, notify the department sixty days before the expiration of the commercial use permit of its intent to renew. The terms and conditions during the renewal period shall be the same as those applicable to the initial issuance except as to the renewal option which shall in no event cause the commercial use permit to be renewed more than four times. At the end of the fourth renewal period of the permit, the permit may again be offered for public auction, provided that the previous permittee shall be offered the right of first refusal at the new upset price.

(j) Monthly payments for a commercial use permit shall be based upon 1) one-twelfth of the bid price or 2) a percentage of the monthly gross receipt equal to two per cent, whichever is greater. Gross receipt is defined in §13-256-12.

(k) The commercial use permit does not give the permittee any vested property rights. The department reserves the right not to issue or renew any commercial use permits. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §200-2, 200-3, 200-4)

§13-256-6 Transferability of commercial use permits. (a) A commercial use permit issued to an individual is non-transferable, so that whenever the permittee parts with possession or transfers the title to or interest in the vessel identified in the commercial use permit to another person or business entity by any arrangement, the commercial use permit shall expire. The new possessor, transferee, or owner of the vessel shall have no right to use the commercial use permit. Notwithstanding the prohibition of individuals transferring commercial use permits, the department will allow the one-time transfer of ownership of the vessel from personal ownership to corporate or other business ownership without terminating the rights to operate the commercial vessel under the commercial use permit.

(b) The following rights, conditions, and restrictions apply to commercial use permits issued to a corporation or other business entity.

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§13-256-7

- (1) Any person owning an interest in a corporation or other business entity possessing a valid commercial use permit issued by the department may transfer any or all stock or other interest to another person

without terminating the right of the corporation or business entity to retain or renew its commercial use permit; provided that the corporation or business entity has been engaged in the same commercial vessel activity for a minimum of one year and provided that the department is notified within 7 days of the transfer of all transactions that amount to a transfer of the stock or interest, as defined in section 13-256-7 in the corporation or business entity by the owners of record.

(2) The business transfer fee must be paid before any transfer is permitted.

(c) A commercial use permit issued for a thrill craft or parasail operating area shall automatically terminate upon the transfer of any or all interest in the corporation or other business entity holding the permit.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4, 200-10, 200-24) (Imp: HRS §200-2, 200-3, 200-4, 200-2, 200-3, 200-10)

§13-256-7 Business transfer fee. (a) Whenever a stockholder or owner of an interest in a corporation or other business which has been issued a commercial use permit sells or transfers stock or interest in the corporation, either as a single transaction or as an aggregate of several transactions, to any person or business entity who is not a stockholder or owner of record on the effective date of these rules, the seller or person transferring such stock or interest shall pay to the department a business transfer fee which is the greater of (1) two per cent of the gross receipts which are directly attributable to the use of the commercial use permit issued by the department for the twelve month period prior to the date of sale, or (2) ten per cent of the net value of the sale of the stock or interest in the business as determined by the difference between the sale price and an equal percentage of the appraised value of the assets of the business.

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§13-256-7

(b) The value of the stock or interest transferred shall be as mutually agreed to by the seller and the department. In the case of a business which engages in more than one type of business activity, only the value of the business activity which is dependent upon the possession and use of the commercial use permit shall be considered for the purposes of this section. In those cases where the transfer is made for

consideration other than legal tender, the appraised or market value of the item of consideration given in exchange for the interest in the business shall be used.

(c) If the seller and the department are unable to agree on the value of the interest transferred, that value shall be determined through arbitration by an independent party acceptable to both the seller and the department. The cost of the arbitration shall be borne by the party in whose favor the final value is determined.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §200-2, 200-3, 200-4)

§13-256-8 Owner required to report change in ownership, address and other changes. (a) In addition to the provisions in section 13-251-44, the holder of any commercial use permit issued under this chapter shall notify the department in writing within seven days if:

- (1) The owner no longer has possession of the permitted vessel or water sports equipment.
- (2) All or any interest in the permitted vessels or water sports equipment is transferred to or assigned to another person or business entity.
- (3) The owner's address or telephone number changes.

(b) "Transfer" as used in this section means any sale, assignment or lease of the permitted vessel or water sports equipment; the change in ownership or transfer of stock in a corporate owner which results in a change of the majority stockholder; or the sale or assignment of interest in any other business entity which results in a change of the owner holding the majority interest.

(c) "Interest" as used in this section includes any claim of right, title, ownership of stock, shares, profit, benefit or gain in a corporation, partnership, joint venture or any other business entity that has a commercial permit issued under this Chapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §200-2, 200-3, 200-4)

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§13-256-11

§13-256-9 Insurance. The insurance requirements for commercial vessels shall be not less than \$50,000 for property damage and not less than \$500,000 personal liability for vessels authorized to carry one to twenty-five passengers, and not less than \$1,000,000 for personal liability for vessels authorized to carry more than twenty-five passengers. The liability insurance shall name the State as additional insured.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS

§200-2, 200-3, 200-4)

§13-256-10 Revocation. (a) The department may immediately revoke a commercial use permit without the necessity for a hearing for any activity which does or may endanger the health or safety of passengers or the public.

(b) The department may revoke a commercial use permit for violation of any rules of the department if after 72 hours notice of the violation by the department the permittee fails to cure the violation.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §200-2, 200-3, 200-4)

§13-256-11 Fees. (a) Fees required to be paid to the department are as follows:

- (1) Registration fee. A registration fee payable at time of issuance and renewal shall be as prescribed in section 13-253-1;
- (2) Operator permit fee. A commercial operator permit fee payable at time of issuance and or renewal of the permit shall be as prescribed in §13-253-2;
- (3) Commercial operating area use permit fee. A monthly commercial use permit fee shall be the greater of \$75.00 per month, payable in advance, or 2% of the monthly gross receipts. The report of gross receipts shall be submitted to and received by the department not later than the end of the month following the month covered by the report and shall be submitted on a form acceptable

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to the department. A permittee possessing both a harbor commercial use permit and a commercial operating area use permit who is paying 2% of gross receipts under the commercial harbor use permit shall not be required to pay an additional 2% of gross receipts under the commercial operating area use permit.

(b) Delinquency in the payment of any fees owed to the department will result in automatic revocation of the commercial operating area use permit. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-12 Gross receipts. (a) Gross receipts as used in this chapter means all moneys paid or payable to the account of the commercial permittee, for services rendered, or resulting from trade, business, commerce, or sales by the vessel or water sports equipment owner when the services, trade, business, commerce, and sales have a direct relationship to the vessel.

(b) Each commercial permittee shall be responsible for submitting to the department a monthly statement of its gross receipts. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-13 Mooring of rafts and platforms. All permanent mooring of rafts and platforms for use in thrill craft, parasailing and other water sports activities is prohibited. Rafts and platforms shall be removed daily from state waters or located in a designated anchorage or harbor in accordance with a valid permit issued by the department. Ground tackle for mooring of rafts and platforms shall not be placed on live coral. [Eff 2/24/94] (Auth: HRS §§200-22, 200-24) (Imp: HRS §§200-22, 200-24)

§13-256-14 Safety and enforcement. The restrictions cited in this chapter shall not apply in the event of an emergency, to law enforcement or rescue craft, or to vessels participating under a valid ocean waters event permit issued by the department or the U.S. Coast Guard. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-40) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-256-11

§13-256-15 Commercial vessel shoreline access. No commercial vessel shall land, embark or discharge passengers at any state or county facility, or at other public beaches except for locations at which the permittee has been issued an appropriate permit by the department or a lease or permit by the board of land and natural resources or a county, or within designated ingress/egress zones. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-16 Thrill craft operations; general provisions.

(a) No person under fifteen years of age shall operate a

thrill craft. No person shall permit, or mislead another person into permitting, a person under fifteen years of age to operate a thrill craft.

(b) No person shall operate thrill craft within a marine life conservation district or marine natural area reserve.

(c) Thrill craft operations shall be curtailed in certain designated areas as described in subchapters two through eleven as necessary, to: 1) avoid possible adverse impacts on humpback whales or other protected marine life; 2) provide for increased public access; 3) reduce user conflicts; and 4) promote overall public safety. [Eff 2/24/94] (Auth: HRS §§200-22, 200-24) (Imp: HRS §§200-22, 200-24)

§13-256-17 Recreational thrill craft operations. (a) Access to and from designated recreational thrill craft operating areas shall be by the most direct route consistent with safety considerations. Thrill craft operators shall not exceed a speed of slow-no-wake when within three hundred feet of the shoreline.

(b) In non-designated ocean recreation management areas, recreational thrill craft may operate only in state waters between five hundred feet from the shoreline or the outer edge of the fringing reef whichever is greater and two miles off the islands of Kauai, Oahu, Maui and Hawaii.

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(c) In designated ocean recreation management areas, recreational thrill craft may operate only within locations designated for recreational thrill craft use.

(d) No thrill craft shall be operated for profit or gain in a recreational thrill craft operating area.

(e) Recreational thrill craft may gain access to state waters only from launching or harbor facilities or from private beach front property. [Eff 2/24/94] (Auth: HRS §§200-22, 200-24) (Imp: HRS §§200-22, 200-24)

§13-256-18 Commercial thrill craft operations, commercial high speed boating and water sledding operations. (a) No commercial thrill craft, high speed boating or water sledding

activities shall be conducted on the waters of the State unless the owner has applied for and been issued a commercial operating area use permit for a designated commercial thrill craft, high speed boating or water sledding operating area, in addition to any commercial use permit required for state-owned facilities. No more than one commercial operating area use permit shall be issued to an owner to conduct commercial thrill craft, high speed boating or water sledding.

(b) Commercial thrill craft are limited to operating within a two hundred foot radius of the permitted designated location except as otherwise designated. The number of thrill craft permitted to operate within each commercial thrill craft operating area shall be as directed by the department, not to exceed a limit of six rental units and two safety units per area.

(c) No more than one vessel shall be permitted to operate under a commercial operating area use permit issued for high speed boating or water sledding.

(d) Access to and from designated areas shall be only from harbors and ramp facilities, or areas designated by a valid conservation district use permit issued by the Department of Land and Natural Resources or areas designated by the Department.

(e) Commercial thrill craft, high speed boating and water sledding operators shall proceed at a speed of slow-no-wake, or as otherwise posted, by the most direct route consistent with safety considerations. Thrill craft, high speed boating and water sledding operators shall not

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exceed a speed of slow-no-wake when within three hundred feet of the shoreline.

(f) No other activity is permitted in designated commercial thrill craft operating areas or recreational and commercial water skiing or water sledding areas during the time of authorized operations for safety purposes.

[Eff 2/24/94] (Auth: HRS §§200-22, 200-24) (Imp: HRS §§200-22, 200-24)

§13-256-19 Parasailing activities.

(a) Parasailing operators shall comply with rules and regulations promulgated by the U. S. Coast Guard in addition to the following provisions:

(1) All parasailing vessels shall have access to

designated areas only from harbors or ramp facilities by the most direct route consistent with safety considerations.

- (2) No commercial parasailing vessel shall operate on the waters of the State unless the owner has applied for and been issued a commercial operating area use permit for a designated parasail operating area, in addition to any commercial use permit required for state-owned facilities.
- (3) No operator shall be issued more than one commercial operating area use permit for a designated parasailing operating area.
- (4) No permittee shall be allowed to operate more than one parasail vessel with a parasail aloft in the designated parasailing operating area.
- (5) No parasailing vessel shall be engaged in parasailing activities while it is within three hundred feet of the shoreline or any marked channel entrance.
- (6) All parasail vessels shall carry at least one crew member in addition to the captain whose duty it shall be to observe the passenger in the chute.

(b) Parasailing operations shall be curtailed in certain designated areas under this chapter as necessary to avoid possible adverse impacts on humpback whales or other protected marine life. In designated areas during the whale season, the maximum vessel speed for parasailing shall be eighteen (18) knots, and maximum transit speed for shuttling passengers to and from the parasailing zones

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shall be fifteen (15) knots or minimum planing speed, whichever is less, unless governed by other limits such as slow-no-wake zones or as marked by signs. [Eff 2/24/94]
(Auth: HRS §§200-22, 200-24) (Imp: HRS §§200-22, 200-24)

§13-256-20 Windsurfing. (a) Windsurfing activity shall be governed by the provisions of this chapter.

- (1) Ingress/egress to the shoreline shall be made by the most direct route dictated by wind conditions.
- (2) Maneuvering shall be in accordance with rules of the road pertaining to sailing vessels. (Navigation Rules, COMDTINST M16672.2B. Rule 12)
- (3) Sailboard operators shall approach no closer than two hundred feet to a dive flag, indicating dive activity in progress. [Eff 2/24/94] (Auth: HRS §§200-2,

200-3, 200-4) (Imp: HRS §200-2, 200-3, 200-4)

§13-256-21 Ultralight float equipped aircraft.

(a) For the purpose of this section, ultralight or experimental float equipped aircraft means an ultralight or experimental aircraft as defined by Part 103 of the Federal Aviation Regulations and equipped with floats.

(b) The takeoff, landing and inflight portions of all ultralight or experimental float equipped aircraft operations on or above any ocean recreation management area shall be governed by Parts 91 and 103 of the Federal Aviation Regulations, which are incorporated by reference. No person shall operate an ultralight or experimental float equipped aircraft in a careless or reckless manner so as to endanger the life or property of another.

(c) The operator of any aircraft designed to maneuver on the water shall abide by all rules governing the operation of motorized vessels during the launching, retrieval and taxi. No person shall operate an ultralight or experimental aircraft registered as an experimental or ultralight aircraft by the Federal Aviation Administration when operating within a designated ocean recreation management area while carrying passengers for hire.

(d) The use of shuttle vessels in support of ultralight or experimental float equipped aircraft

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§13-256-21

operations is prohibited on the ocean waters of the state, except for small watercraft carried aboard the aircraft. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4, 200-24) (Imp: HRS §§200-2, 200-3, 200-4, 200-24)

§13-256-22 to §13-256-30

(Reserved)

Subchapter 2 North Shore Kauai Ocean
 Recreation Management Area

	Historical note
§13-256-31	Definition
§13-256-32	Commercial Operator Licensee experience requirements
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§13-256-39	Hanalei Bay ocean waters, general restrictions
§13-256-40	Haena ocean waters, general restrictions
§13-256-41	Na Pali Coast ocean waters, general restrictions
§13-256-42	
to	
§13-256-49	(Reserved)

Historical note. This subchapter is based primarily on the North Shore Kauai Rules effective October 1, 1988, and as amended thereafter by the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activity was transferred from the jurisdiction of the Department of Transportation, Harbors Division to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992 in accordance with Act 272, SLH 1991. [Eff 2/24/94]

§13-256-31 Definition. The "North Shore Kauai Ocean Recreation Management Area" means all ocean waters and

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navigable streams located between eastern boundary of Moloaa Bay and the southernmost boundary of Na Pali Coast State Park extending three thousand feet seaward of the territorial sea baseline as shown on Exhibit "A", dated June 30, 1988, located at the end of this subchapter.
[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §200-2, 200-3, 200-4)

§13-256-32 Commercial Operator [Licensee] experience requirements. (a) No commercial vessel operator shall be issued a commercial operator permit to operate or navigate within the Na Pali Coast ocean waters unless the applicant has a minimum of ninety days experience operating within the Na Pali Coast ocean waters attested to by two persons each of whom holds a valid commercial operator permit issued by the department.

(b) No commercial kayak tour guide license shall be

issued a commercial operator licensee unless the operator meets the following conditions:

- (1) Possesses a current Red Cross Advanced Life Saving Certificate,
- (2) Has knowledge of elementary first aid;
- (3) Is physically qualified to perform as a kayak tour guide as evidenced by a written report of a physical examination made no earlier than thirty days prior to the application for the license; and
- (4) Demonstrates a satisfactory knowledge of the waters through presentation of a log of ocean kayak trips performed in the Na Pali Coast restricted area during the preceding six-month period.

(c) The department shall establish an advisory committee of not less than three commercial operator licensees to review applications and make recommendations for commercial operator licenses required by this section. The department may seek recommendations for membership on the advisory committee from the North Shore Charter Boat Association. Members of the advisory committee shall have not less than three years experience in their area of specialty operating in the North Shore Kauai Ocean Recreation Management Area. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §200-2, 200-3, 200-4)

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§13-256-33

§13-256-33 Priority and procedures in the issuance of commercial vessel permits. (a) Notwithstanding the commercial use permit limitations in section 13-256-36 of fifteen commercial use permits at Hanalei River mouth and two commercial use permits for Anini Beach launching ramp, all commercial vessels operating with valid commercial use permits issued by the department on September 30, 1988, and who have complied with all the rules of the department and all other federal, state or county requirements may be issued a new commercial use permit for Hanalei or Anini Beach restricted Area.

(b) All commercial use permits shall be valid for not more than one year. These permits shall automatically terminate on the expiration date and there shall be no presumption or implication of a right to renew.

(c) An application for a commercial use permit shall be made in writing to the department on the form provided by the department. The applicant shall indicate in the application the type and characteristics of the vessel, including but not limited to the vessel's overall length, draft, beam, principal

source of propulsion, and any secondary or auxiliary source of propulsion, the passenger carrying capacity, and any other pertinent information. No application shall be complete until the applicant pays the application fee prescribed in these rules. The department shall accept the completed application form for consideration by endorsing it and entering the time and date on the application form submitted. The time and date the application is endorsed by the department shall be the effective filing date and shall establish the applicant's priority date. An applicant must file a new application form each year but the effective filing date shall remain the same.

(d) Only when the number of commercial use permits issued under subsection (a) falls below the number authorized in section 13-256-36, will the department offer a permit to the applicant with the earliest priority date; provided that in no event shall the limit set in section 13-256-36 be exceeded thereby. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-256-34 Review, acceptance, or rejection of the application. (a) The department shall examine and determine the genuineness of each application for a commercial vessel permit and may require additional information or conduct an independent investigation as may be deemed necessary for its determination.

(b) The department shall reject any application that contains a material misstatement or if the applicant has failed to disclose any material fact in the application.

(c) An application shall not be accepted for consideration and shall be rejected if:

- (1) The application fee is not paid at the time the application is made;
- (2) The applicant is delinquent in payment of any moneys due and payable to the department; or
- (3) The applicant is in violation of the rules of the department.

(d) Upon rejection of an application, the department shall notify the applicant, in writing within a reasonable time, that the application has not been accepted for consideration and has been rejected and the reasons therefor. The applicant shall be afforded the opportunity to submit a new application upon the correction of deficiencies cited in

the notification of rejection of the original application.
[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-35 Owner required to report change in ownership, address and other changes. (a) In addition to the provisions in section 13-251-44, the holder of any commercial vessel permit issued under this chapter shall notify the department in writing within seven days if:

- (1) The owner no longer has possession of the vessel;
- (2) All or any interest in the vessel is transferred to or assigned to another person(s) or business entity; and
- (3) The owner's address or telephone number changes.

(b) "Transfer" as used in this section means any sale, assignment, lease of a vessel or the change in ownership or transfer of stock in a corporate owner which results in a change of the majority stockholder, or the transfer of

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interest in any other business entity which results in a change of the owner holding the majority interest.

(c) "Interest" as used in this section includes any claim of right, title, ownership of stock, shares, profit, benefit or gain in a corporation, partnership, joint venture or any other business entity that has a commercial vessel permit issued under this subchapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-36 Use of commercial vessels at the Hanalei River Mouth and Anini Beach launching ramp. In addition to any federal, state or county law, rule, or ordinance, the following restrictions shall apply at the Hanalei River Mouth and Anini Beach launching ramp.

- (1) No commercial vessel shall operate at or use the Hanalei River mouth or Anini Beach launching ramp for any commercial purposes without a commercial use permit.
- (2) No more than fifteen commercial use permits shall be issued for the Hanalei River Mouth.
- (3) No more than two commercial use permits shall be issued for the Anini Beach launching ramp.

- (4) No more than three commercial kayak tour operators shall be registered and permitted to operate in the Na Pali Coast restricted area. No trip scheduled by a commercial kayak tour operator may include more than four kayaks for customers and two kayaks for guides. No commercial kayak tour operation shall conduct more than two trips per day.
- (5) Commercial vessels shall land at times designated by the department.
- (6) No commercial vessel shall carry more than thirty paying or non-paying passengers per day.
- (7) No commercial vessel shall be issued a commercial use permit to operate within the North Shore Kauai Ocean Recreation Management Area if its passenger carrying capacity exceeds twenty-five individuals.
- (8) The department may authorize a holder of an existing commercial use permit to substitute a larger vessel for a smaller vessel so long as the new vessel does not exceed the twenty-five person

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carrying capacity limit, nor the thirty passengers per day limitation. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-37 Fees. (a) Fees required to be paid to the department are described in Chapter 13-234 and more specifically as follows:

- (1) Registration fee. A registration fee payable at the time of issuance shall be prescribed in section 13-253-1.
- (2) Operator license fee. A commercial operator license fee payable at time of issuance of the license shall be \$2.00.
- (3) Commercial vessel permit fee. A monthly commercial vessel permit fee shall be the greater of \$75.00 or two per cent of the monthly gross receipts.

(b) Delinquency of any fees owed to the department will result in automatic revocation of the commercial vessel permit. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4)

(Imp: HRS §§200-2, 200-3, 200-4)

§13-256-38 Anini Beach ocean waters. (a) Anini Beach ocean waters means the area confined by the boundaries shown on Exhibit "B", dated September 19, 1988, located at the end of this subchapter and described as follows:

Beginning at a point at the low watermark from Honono Point, thence along a straight line on an azimuth of 142 degrees measured from true south to the inner edge of the reef of the channel, thence clockwise along the outer edge of the reef to the intersection of a line drawn on an azimuth of 197 degrees from a point on the shoreline, then 017 degrees to the low water mark of the shoreline, then in a northerly direction along the Anini Beach shoreline to the point of beginning.

(b) Restrictions. Anini Beach ocean waters.

- (1) Anini Beach ocean waters shall be limited to providing commercial sailboard instruction only. No more than sixteen commercially owned sailboards may be employed in instructional use at any one time.

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- (2) Motorized vessels operating within Anini Beach ocean waters shall not exceed a speed of "slow-no-wake" (five miles per hour) within two hundred feet of the shoreline.

- (3) Motorized vessels and sailboards shall not proceed within one hundred feet of persons engaged in fishing. This restriction shall apply to vessels transiting the channel to or from the launching ramp.

(c) Swimming Zone A, Anini Beach ocean waters.

- (1) Swimming Zone A, Anini Beach ocean waters means the ocean waters confined by the boundaries shown on Exhibit "B", dated September 19, 1988, located at the end of this subchapter and described as follows:

Beginning at a point on the low water mark seventy-five feet east of the launching ramp, then proceeding in a straight line perpendicular to the low water mark seaward for a distance of one hundred feet, then proceeding in a straight line to a point on the extended eastern property line of Anini Beach Park located one hundred

feet from the low water mark, then along the extended property line to the low water mark, then along the low water mark to the point of beginning.

(d) Swimming Zone B, Anini Beach ocean waters.

(1) Swimming Zone B, Anini Beach ocean waters means the ocean waters confined by the boundaries shown on Exhibit "B", dated September 19, 1988, located at the end of this subchapter and described as follows:

Beginning at a point on the low water mark on an azimuth measured clockwise from True South of 167 degrees from Honu Point, proceeding in a straight line for a distance of one hundred feet, then proceeding in a straight line to the extended western property line of Anini Beach Park located at a point in the water one hundred feet from the low water mark, then along the extended property line to the low water mark, then along the low water mark to the point of beginning.

(e) Restrictions. Swimming Zones A and B of Anini Beach ocean waters are designated for swimming and bathing. No person shall operate or moor a vessel or sailboard within these zones. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-256-39 Hanalei Bay ocean waters, general restrictions. (a) Hanalei Bay ocean waters means all ocean waters and navigable streams confined by the boundaries shown on Exhibit "C" dated September 19, 1988, located at the end of this subchapter and described as follows:

Beginning at a point on the shoreline at the northernmost tip of Makahoa Point on the western end of the bay, thence along a straight line drawn tangent to the shoreline of Puu Poa Point on the eastern end of the bay, thence clockwise along the shoreline, including the banks of all navigable streams to the upper limit of tidal influence, to the point of beginning.

(b) The Hanalei Bay ocean waters are subject to the following restrictions.

(1) No person shall operate a vessel at a speed in excess of "slow-no-wake" (five miles per hour) within five hundred feet of the shoreline or within the designated mooring area.

(2) No person shall navigate a motorboat within three-

hundred feet of a shoreline, diver's flag, or a designated swimming area. No person shall navigate a commercial motorboat within five-hundred feet of the shoreline, except within the designated ingress/egress corridors. Vessels engaged in fishing are exempt from the three-hundred foot shoreline restriction, except that they may not enter designated swimming areas.

- (3) No person shall anchor or moor a vessel, raft, barge, platform or other contrivance except within the designated mooring area.
- (4) No commercial fishing vessel over fifty feet in length may engage in fishing except by pole and line within Hanalei Bay ocean waters.
- (c) Recreational Zone A, Hanalei Bay ocean waters.
- (1) Recreational Zone A mean the ocean waters confined by the boundaries shown on Exhibit "C" dated September 19, 1988, located at the end of this subchapter and described as follows:

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All ocean waters and navigable streams located mauka of a straight line drawn from the end of Hanalei Pier to Makahoa Point.

- (2) Restrictions. Zone A Hanalei Bay ocean waters is designated for recreation use. No commercial vessel, sailboard, surfboard or other commercial water recreational device may be navigated within Zone A, provided that commercial vessels may be moored within that portion of the designated mooring area located within Zone A.
- (d) Swimming Zones B-1 and B-2, Hanalei Bay ocean waters.
- (1) Zones B-1 and B-2 mean the areas confined by the boundaries shown and described in Exhibit "C" dated September 19, 1988, located at the end of this subchapter, as follows:
Zone B-1 shall be established only when a sand beach of a minimum width of two feet at high tide is present fronting Black Pot Beach Park.

Zone B-1 swimming area extends three hundred feet seaward of the low water mark for a distance of three hundred feet on each side of Hanalei Pier.

Zone B-2 swimming area extends three hundred feet seaward of the low water mark between the extended boundary lines of the county park containing the beach pavilion.

- (2) Restriction. Zones B-1 and B-2 are designated for bathing and swimming. No person shall operate or moor a vessel, sailboard, or any other recreation device within Zones B-1 and B-2, provided that this restriction shall not apply to:

(A) Non-motorized vessels engaged in small scale surround net fishing or fishing and crabbing from shore;

(B) Hawaiian design outrigger canoes.

(e) The designated mooring area for the mooring or anchoring of transient and locally based vessels, is the area encompassed by the boundaries shown on Exhibit "C" dated September 19, 1988, located at the end of this subchapter, and which are described as follows:

Beginning at a point on the northwest corner of Hanalei Pier by azimuths clockwise from True South, 123 degrees for a distance of six hundred

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seventy-five feet; 346 degrees for a distance of one thousand two hundred seventy-seven feet; 022 degrees for a distance of seven hundred fifty-six feet; 127 degrees for a distance of three thousand two hundred twenty-five feet; then on a straight line to the point of beginning.

- (2) All vessels within Hanalei Bay ocean waters shall be moored or anchored within the designated mooring area.
- (3) No person shall navigate, moor, or anchor a commercial vessel, providing services on a fee basis, in a designated mooring area unless the vessel has been registered and the owner has a valid commercial use permit issued by the department.
- (4) No person shall anchor, moor or stay aboard a vessel except those equipped with an approved marine sanitation device (MSD) in good working condition, or those vessels exempt from MSD requirement in accordance with U.S. Coast Guard regulations.

- (5) No permanent mooring shall be installed within the designated mooring area except by permit issued by the department.
- (f) Ingress/Egress zones.
- (1) Ingress/Egress zones shall be established at intervals along the shoreline to provide beach access for all motorized vessels and non-motorized dinghies and tenders from transient and visiting vessels anchored or moored within the designated mooring area.

Zone number one begins at the southern boundary of the County Park pavilion parcel and extends southwest along the shoreline a distance of three hundred feet, then seaward to the designated mooring area.

Zone number two begins at the north bank of Hanalei River and extends southward across the Hanalei River mouth to the northern boundary of Black Pot Park, and then extends seaward to the designated mooring area.
- (2) Zone number one is designated for use by recreational motorized vessels, sailing catamarans

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and dinghies used as tenders for transient recreational vessels.

- (3) Zone number two is designated for use by both commercial and recreational vessels.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4)
(Imp: HRS §§200-2, 200-3, 200-4)

§13-256-40 Haena ocean waters, general restrictions. (a) The Haena ocean waters are subject to the following restrictions. This section shall not apply in the event of an emergency, to law enforcement or to rescue craft, or to vessels participating under a valid ocean waters event permit issued by the department, Coast Guard or Hawaiian design outrigger canoes engaged in crew training.

- (1) No commercial motorized vessel shall land, or

discharge or load passengers from shore within Haena ocean waters, unless the owner possesses a valid commercial use permit for the use of the beach for this purpose issued by the board of land and natural resources. The total number of vessels operating from this area shall not exceed ten passenger carrying vessels and one support craft.

- (2) No person shall solicit business or offer goods or services for rent, sale or use within Haena ocean waters.
- (3) Non-motorized commercial vessels may be permitted to land at the beach area fronting the western half of the county beach park.
- (4) Vessels may be moored or anchored only during daylight hours.
- (5) Motorized vessels shall not exceed a speed of "slow-no-wake" (five miles per hour) within Haena ocean waters.
- (c) Recreational Zone A, Haena ocean waters.
- (1) Zone A means the area confined by the boundaries shown on Exhibit "D" dated June 30, 1988, located at the end of this subchapter, which boundaries are described as follows:

Beginning at the intersection of the edge of the inner reef and the mean low water mark on the south side of the boat channel, then clockwise along the outer edge of the inner reef to the

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intersection of the edge of the reef and a straight line drawn between a marker pole on the shoreline and the exposed rock on the southern tip of the outer reef, then along this line to the exposed rock, then along a line drawn at a ninety degree angle to the outer edge of the reef, then clockwise along the outer edge of the reef to the point where it becomes tangent to the Haena ocean waters boundary line, then clockwise along the boundary line to the mean low water mark to the point of beginning.

- (2) Restrictions. Zone A is designated for recreational use. No commercial motorized vessel shall be permitted within Zone A, provided that customers patronizing commercial vessels anchored or moored

- within Zone C shall be allowed to enter Zone A for snorkeling or scuba diving activities.
- (3) Notwithstanding the provisions of subsection (b)(2), commercial vessels whose owners possess a valid use permit issued by the department of land and natural resources shall be permitted direct access to the beach area specified in the permit for the purpose of passenger pick-up or discharge.
 - (d) Swimming and Snorkeling Zone B, Haena ocean waters.
 - (1) Haena Zone B means the area confined by the boundaries shown on Exhibit "D" dated June 30, 1988 located at the end of this subchapter and described as follows:

Beginning at the intersection of the western boundary of Haena ocean waters and the mean low water mark, then along the western boundary of Haena ocean waters for a distance of two hundred feet, then clockwise along a line drawn parallel to the low water mark at a distance of two hundred feet to the outer edge of the inner reef, then along the outer edge of the inner reef to the mean low water mark, then along the mean low water mark to the point beginning.
 - (2) Restrictions. Haena Zone B is designated for swimming and snorkeling activities. No motorized vessel shall be permitted within Zone B.

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- (e) Snorkeling Zone C, Haena ocean waters.
- (1) Haena Zone C is as shown on Exhibit "D" dated June 30, 1988, located at the end of this subchapter. Haena Zone C includes those ocean water areas outside Zone A and Zone B.
- (2) Restrictions. Haena Zone C is an area designated for the use of motorized vessels with passengers engaged in snorkeling and scuba diving activities, Haena ocean waters include those ocean areas outside Zone A and Zone B. No vessel shall moor within Zone C except at three mooring buoys approved for

installation by the board of land and natural resources along the outer edge of the inner reef at the locations shown on Exhibit "D" dated June 30, 1988. No more than two vessels may be moored to each buoy at any one time, for a period not exceeding forty-five minutes per vessel.

- (3) Anchoring during daylight hours may be permitted within Zone C except in areas containing coral growth. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-41 Na Pali Coast ocean waters, general restrictions. (a) Na Pali Coast ocean waters means all ocean waters and navigable streams confined by the boundaries shown on Exhibit "E" dated June 30, 1988, located at the end of this subchapter and described as follows:

Beginning at the intersection of the southwestern boundary of the Na Pali Coast State Park and the shoreline, thence in a straight line drawn perpendicular to the shoreline to the intersection with the territorial sea base line, then along a straight line drawn perpendicular to the territorial sea base line seaward for a distance of three thousand feet, thence along a line drawn parallel to the territorial sea base line in a clockwise direction to the intersection of the western boundary of Haena ocean waters, thence along this line to the western boundary of Haena ocean waters to the point where it intersects the shoreline, thence along the shoreline to the point of beginning.

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(b) The Na Pali Coast ocean waters are subject to the following restrictions:

- (1) No person shall navigate a commercial motorboat or conduct a commercial kayak tour within Na Pali Coast ocean waters except for persons who have been issued a permit by the department to operate within Na Pali Coast ocean waters in accordance with this subchapter.
- (2) In no case shall a commercial vessel having a

passenger carrying capacity of fifty or more passengers be permitted to operate within the Na Pali Coast ocean waters.

- (3) No commercial operator shall embark or disembark passengers along the shoreline within Na Pali Coast ocean waters unless that operator has been issued a permit by the board of land and natural resources for use of the area at the location where passengers are embarked or disembarked.
- (c) Vessel operations within sea caves.
- (1) Commercial vessel operators shall maintain a listening watch on a radio frequency to be designated by the North Shore Charter Boat Association when operating within three hundred feet of the entrance to a sea cave.
- (2) Vessel operators intending to enter a sea cave shall ensure that no other vessel traffic is operating within the cave.
- (3) A vessel exiting a sea cave shall have the right-of-way over vessels preparing to enter a sea cave.
- (d) The Nualolo Kai restricted zone is the area encompassed by the boundaries shown on Exhibit "F", dated March 1, 1989, located at the end of this subchapter, and which is described as follows:

Beginning at a point on the shoreline at the low water mark of the westernmost tip of Makuaiki Point, then by azimuth measured clockwise from True South; 241 degrees for a distance of two thousand one hundred feet to a point tangent to the outer edge of the reef, then along the outer edge of the reef to the westernmost edge of the shoreline of Alapii Point, then along the shoreline to the point of beginning.

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- (1) Restrictions on commercial use.

No more than six commercial vessels may anchor or moor within the Nualolo Kai restricted zone at any one time, none of which may have a passenger carrying capacity exceeding eighteen passengers. The maximum time limit which a commercial vessel may moor within the Nualolo Kai restricted zone shall not exceed forty-five minutes. The limitation on commercial vessel provisions by

this subsection shall not apply to commercial vessels whose owner possesses a valid permit issued by the board of land and natural resources to embark or disembark passengers at this location.

- (2) Restrictions on operation over reef areas. No motorized vessel shall operate over coral reefs subzone as shown on Exhibit "F". No vessel shall anchor or moor on live coral. Mooring shall be permitted only at day use moorings. A "day use moorings" means a mooring established by the department for daylight hour uses only.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-42 to §13-256-49 (Reserved)

Subchapter 3 South Shore Kauai Ocean
Recreation Management
Areas

§13-256-50	Definition
§13-256-51	Hanamaulu Bay restricted zones
§13-256-52	Nawiliwili Bay restricted zones
§13-256-53	Nukumoi restricted area
§13-256-54	Koloa Landing restricted area
§13-256-55	Salt Pond Park restricted area
§13-256-56	
to	
§13-256-59	(Reserved)

§13-256-50 Definition. The "South Shore Kauai Ocean Recreation Management Area" means all ocean waters and navigable streams from the north boundary of Hanamaulu Bay to the west boundary of Salt Pond Beach Park, Hanapepe, Kauai Hawaii, extending three thousand feet seaward of the territorial sea baseline as shown on Exhibit "G", dated August 15, 1988, located at the end of this subchapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-51 Hanamaulu Bay restricted zones.

(a) Zone A, Hanamaulu Bay.

- (1) Zone A, Hanamaulu Bay means the ocean waters confined by the boundaries for said zones as shown on Exhibit "H", dated August 20, 1988, located at the end of this subchapter. The boundaries of Zone A are as follows:

Beginning at a point on the low water mark at the tip of land which is six hundred feet from the mouth of the Hanamaulu Stream, then by azimuth measured clockwise from True South; 180 degrees to a point on the low water mark of the northern boundary of Hanamaulu Bay; thence along the low water mark of the bay to the point beginning.

- (2) Restrictions. Zone A, Hanamaulu Bay is designated for swimming and bathing. No person shall operate or moor a vessel or sailboard within Zone A.

(b) Zone B, Hanamaulu Bay.

- (1) Zone B, Hanamaulu Bay means the ocean waters confined by the boundaries for said zones as shown on Exhibit "H",

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dated August 20, 1988, located at the end of this subchapter. The boundaries of Zone B are as follows:

Beginning at a point on the low water mark on the northern tip of Ahukini State Park; thence by azimuth measured clockwise from True South; 170 degrees to a point on the low water mark on the shoreline; then westward along the low water mark to the northern boundary of Zone A; then southward along the boundary of Zone A to the low water mark on the shoreline; then eastward along the low water mark to the point of beginning.

- (2) Restrictions. Zone B, Hanamaulu Bay is designated as a "slow-no-wake" zone. All watercraft within this zone shall not exceed a speed of slow-no-wake.
- (c) Hanamaulu Bay Ingress-Egress Corridor.
- (1) Zone C, Hanamaulu Bay Ingress-Egress Corridor means the ocean waters confined by the boundaries for said corridor as shown on Exhibit "H", dated August 20, 1988, located at the end of this subchapter. The boundaries of Zone C are as follows:

Beginning at a point on the low water mark at the south opening of Hanamaulu Stream; thence by azimuth measured clockwise from True South; 240 degrees to a point on at the west boundary of Zone B and the low water mark on the shoreline; then along western boundary of Zone B for a distance of one hundred feet; then 063 degrees to a point at the low water mark of the Hanamaulu Beach; the along the low water mark of the shoreline to the point of beginning.

- (2) Restrictions. Zone C, Hanamaulu Bay Ingress-Egress Corridor is designated for use by recreational motorized vessels. All watercraft within this zone shall not exceed a speed of slow-no-wake. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-52 Nawiliwili Bay restricted zones.

(a) Zone A, Nawiliwili Bay is the ocean waters encompassed by the boundaries of the zones as shown on Exhibit "I", dated November 23, 1988 located at the end of this subchapter. The boundaries of Zone A are as follows:

Beginning at a point at the low water mark on the southern tip of Kukii Point then by azimuths measured clockwise from

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True South; 090 degrees across the bay to a point on the jetty; then proceeding north along the low water mark along the shoreline of Kalapaki Bay to the point of beginning.

Zone A, Nawiliwili Bay is designated for general ocean recreation activities. No person shall moor a vessel or operate at a speed in excess of slow no wake within Zone A. [Eff 2/24/94] (Auth: HRS §§200-21, 200-22, 200-24) (Imp: HRS §§200-21, 200-22, 200-24)

§13-256-53 Nukumoi Restricted Zones.

(a) Nukumoi Swimming Zone

- (1) Nukumoi swimming zone means the ocean waters confined by the boundaries for said zones as shown on Exhibit "J", dated September 19, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point at the low water mark on the southern tip of the Nukumoi Point, then proceeding on a straight line to the low water mark of the southern point of Kihouna Heiau, then along the low water mark of Nukumoi Beach in an easterly heading to the point of beginning.

- (2) Restrictions. Nukumoi swimming zone is designated for swimming and bathing. No person shall operate or moor a vessel or other watercraft within this zone.

(b) Nukumoi Ingress/egress Corridor.

- (1) Nukumoi ingress/egress corridor means the ocean waters confined by the boundaries for said zones as shown on Exhibit "J", dated September 19, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point at the low water mark adjacent to the west side of the basalt rock on Nukumoi Beach then by azimuth measured clockwise from True South, 018 degrees for a distance of three hundred feet and the swim zone boundary; 112 degrees for a distance of fifty feet; 198

- degrees to the shoreline; then along the low water mark of Nukumoi Beach in an easterly direction to the point of beginning.
- (2) Restrictions. Nukumoi ingress/egress corridor is designated for the use of non-motorized vessels. No person shall operate or moor a motorized vessel within this zone. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-256-54 Koloa Landing Restricted Area. (a) The Koloa Landing restricted area means the ocean waters confined by the boundaries for said zones as shown on Exhibit "K", dated June 30, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark at the southern tip of Lae O Kohala, thence by azimuth measured clockwise from True South; 130 degrees to a point on the low water mark at the western edge of Keawaloa Bay; then long the low water mark of the shoreline in a northerly direction and then on an easterly heading to the point of beginning.

(b) Restrictions. Koloa Landing restricted area is designated for swimming and diving. No person shall operate or moor a vessel in this area, except that a vessel may enter or depart the area by a straight line from the boat launching area to the closest seaward boundary line. All vessels transiting the area shall not exceed a speed of slow-no-wake. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-55 Salt Pond Park Restricted Area.

(a) The Salt Pond Park restricted area means the ocean waters confined by the boundaries for said zones as shown on Exhibit "M", dated June 30, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark which is five hundred feet east of the centerline extension of Salt Pond Road; then on the low water mark along the beach in a southerly direction for a distance of approximately one thousand two hundred fifty feet; then on a straight line to the point of beginning.

(b) Restrictions. The Salt Pond Park restricted area is designated for swimming and bathing. No person shall operate

or moor a vessel within this area. [Eff 2/24/94] (Auth:
HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-56 to §13-256-59 (Reserved)

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Subchapter 4 North Shore Oahu Ocean
Recreation Management Area

§13-256-60	Definition
§13-256-61	Haleiwa Restricted Zones
§13-256-62	Waimea Bay Restricted Area
§13-256-63	Three Tables Point, Kulalua Point Restricted Area
§13-256-64	Sunset Beach Restricted Area
§13-256-65	Kawela Bay Restricted Area
§13-256-66	
to	
§13-256-70	(Reserved)

§13-256-60 Definition. The "North Shore Oahu Ocean Recreation Management Area" means all ocean waters and navigable streams from Kaena Point to Kahuku Point, Oahu, Hawaii, extending three thousand feet seaward of the territorial sea baseline as shown on Exhibit "N", dated August 15, 1988, located at the end of this subchapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-61 Haleiwa Restricted Zones. (a) Zone A, Haleiwa restricted zone is the area encompassed by the boundaries of the area shown on Exhibit "O", dated November 23, 1988, located at the end of this subchapter. The boundaries of Zone A are as follows:

Beginning at a point on the low water mark at the western edge of Alii Beach Park, then by azimuth measured clockwise from True South, 128 degrees for a distance of four hundred feet; 200 degrees for a distance of one thousand feet; then on a straight line to the low water mark of the corner of the breakwater at Haleiwa Small Boat Harbor; then along the low water mark in a westerly heading to the point of beginning.

Zone A Haleiwa restricted area is designated a swimming and bathing area. No person shall operate or moor a vessel within this zone.

(b) Zone B, Haleiwa restricted zone is the area encompassed by the boundaries of the area shown on Exhibit "O", dated November 23, 1988, located at the end of this subchapter. The boundaries of Zone B are as follows:

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Beginning at a point in the water by azimuth measured clockwise from True South, 090 degrees for a distance of one hundred feet from the low water mark at the end of the breakwater at Haleiwa Small Boat Harbor; 060 degrees for a distance of one thousand six hundred feet; 175 degrees for distance of one thousand three hundred feet; then on a straight line to a point of beginning.

Zone B is designated a surfing and bodysurfing zone. No person shall operate or moor a vessel, within this zone.

(c) Zone C Haleiwa Restricted Zone is the area encompassed by the boundaries of the zone shown on Exhibit "O", dated November 23, 1988, located at the end of this subchapter. The boundaries of Zone C are as follows:

Beginning at a point from the low water mark of the western tip of Kawaihoa Beach, thence by azimuth measured clockwise from True South, 075 degrees for a distance of one hundred feet; 300 degrees for a distance of eight hundred feet; then on a straight line to the low water mark at the end of the groin located at the southern boundary of Haleiwa Beach Park; then along the low water mark along the groin and beach in a northerly direction to the point of beginning.

Zone C is designated as a swimming and bathing zone. No person shall operate or moor a vessel, surfboard, or sailboard within this zone.

(d) Zone D, Haleiwa restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "O", dated November 23, 1988, located at the end of this subchapter. The boundaries of Zone D are as follows:

Beginning at a point in the water by azimuth measured clockwise from True South, 038 degrees for a distance of four hundred ninety feet from Pua'ena Point, then by a on a radius of two hundred feet around that point

Zone D is designated as a commercial thrill craft zone. No more than six rental thrill craft shall be operated at any time.

(e) Zone E Haleiwa restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "O", dated November 23, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point from the low water mark on the tip of the breakwater of Haleiwa Small Boat Harbor, then by azimuth measured clockwise from True South, 110 degrees for a distance of two thousand eight hundred feet; 020 degrees for a distance of two thousand feet; 110 degrees for a distance of one thousand feet; 200 degrees for a distance of two

thousand feet; then by a straight line to the point of beginning.

Zone E is designated as a recreational thrill craft zone. No person shall operate a commercial thrill craft in this zone. This zone shall be closed to all thrill craft operations from December 15 to May 15 of the following year.

(f) Zone F Haleiwa restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "O", dated November 23, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning from the low water mark at Pua'ena Point, then by azimuth measured clockwise from True South, 125 degrees for a distance of four hundred thirty feet to a point in the water; then 140 degrees for a distance of one thousand feet; 230 degrees for a distance of two thousand feet; 320 degrees for a distance of one thousand feet; then 050 degrees for two thousand feet and the point of beginning.

Zone F is designated as a recreational thrill craft zone. No person shall operate a commercial thrill craft in this zone.

[Eff 2/24/94] (Auth: HRS §§200-21, 200-22, 200-24, 200-37)
(Imp: HRS §§200-21, 200-22, 200-24, 200-37)

§13-256-62 Waimea Bay Restricted Area. (a) Waimea Bay Restricted Area means the area confined by the boundaries for said area shown on Exhibit "P", dated, June 30, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point at at the low water mark at Waimea point then by azimuth clockwise from True South of 003 for a distance of one thousand eight hundred thirty-seven feet to to the low water mark of the shoreline; then along the shoreline in a northerly direction to the point of beginning.

(b) Restrictions. The Waimea Bay restricted area is designated for bathing, swimming and surfing. Pole and line fishing may be permitted where indicated by signs. No motorized vessel shall be permitted within the area. The anchoring of other vessels shall not be within 200 feet of the shoreline. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4)
(Imp: HRS §§200-2, 200-3, 200-4)

§13-256-63 Three Tables Point, Kulalua Point Restricted Area. (a) Three Tables Point, Kulalua point restricted area means the area confined by the boundaries for said area shown on

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Exhibit "Q", dated, June 30, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark on the tip of Three Tables Point; then by a straight line to the low water mark at the tip of Kulalua Point; then in a southerly direction along the low water mark of the beach to the point of beginning.

(b) Restrictions. No person shall operate a vessel in the Three Tables Point, Kulalua Point restricted area in excess of "slow-no-wake" speed. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-64 Sunset Beach Restricted Area. (a) The Sunset Beach restricted area means the area confined by the boundaries for said area shown on Exhibit "R", dated, August 21, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark on the shoreline located two hundred fifty feet along the low water mark of the shoreline in a northerly direction from the mouth of Kalunawaikaola Stream, then by azimuth measured clockwise from True South, 125 degrees; then 130 degrees for a distance of one thousand feet; 220 degrees for a distance of nine thousand four hundred fifty feet; 310 degrees to a point on the low water mark of the shoreline; then in a southerly direction along the low water mark to Ehukai Beach Park Swimming Zone; then in a southerly direction along the makai boundary of that zone; then along the low water mark of the beach to the point of beginning.

(b) Restrictions. The Sunset Beach restricted area is designated for surfing, kayaking and windsurfing. No person shall operate a motorized vessel or sailing vessel in this area during the months of October 1st through April 30th. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-65 Kawela Bay Restricted Area. (a) Kawela Bay restricted area means the area confined by the boundaries for said area shown on Exhibit "S", dated, June 30, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark on the tip of the shoreline of the bay, then by straight line to the low water mark on the shoreline of the northern tip of the bay; then in a southerly direction along the low water mark to the point of beginning.

(b) Restrictions. No person shall operate a vessel in Kawela Bay in excess of slow-no-wake speed. Water ski activity is prohibited. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-66 to §13-256-70 (Reserved)

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Subchapter 5 Windward Oahu Ocean
Recreation Management Area

§13-256-71	Definition
§13-256-72	Kualoa Ocean Water Restricted Zones
§13-256-73	Kaneohe Bay Waters
§13-256-74	Kailua Ocean Waters Restricted Zones
§13-256-75	Waimanalo Ocean Waters Restricted Zones
§13-256-76	Makapuu Ocean Waters Restricted Zones
§13-256-77	Kaneohe commercial high speed boating zone
§13-256-78	
to	
§13-256-85	(Reserved)

§13-256-71 Definition. The "Windward Oahu Ocean Recreation Management Area" means all ocean waters and navigable streams from northwest boundary of Kahana Bay to Makapuu Point, Oahu, Hawaii, extending three thousand feet seaward of the territorial sea baseline as shown on Exhibit "T", dated August 15, 1988, located at the end of this subchapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-72 Kualoa Ocean Water Restricted Zones.

(a) Zone A Kualoa Ocean Waters restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "U", dated June 30, 1988, and located at the end of this subchapter. The boundaries of Zone A are as follows:

Beginning at a point on the low water mark of the shoreline which is four hundred seventy-five feet south of the groin across from the sugar mill, then by azimuth measured clockwise from True South, 270 degrees for a distance of eight hundred ten feet; 360 degrees for a distance of five hundred twenty-five feet; 090 degrees to a point on the low water mark of the shoreline; then along the low water mark to the point of beginning.

Zone A is designated as a commercial thrill craft zone. No more than six rental thrill craft shall operate at any one time. No person shall operate or moor a vessel or sailboard in this zone when in use by commercial thrill craft. Commercial thrill craft shall be operated within Zone A only between the hours of 4:00 a.m. and 5:00 p.m., Mondays through Fridays. No commercial

thrill craft shall be operated within Zone A on Saturdays, Sundays, and state or federal holidays.

(b) Zone B Kualoa Ocean Waters restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "U", dated June 30, 1988, and located at the end of this subchapter. The boundaries of Zone B are as follows:

Beginning at a point on the low water mark of the shoreline which is two hundred feet north of the boundary of Kualoa Regional Park; then along low water mark of the shoreline in a northerly direction to a point marking the southwest point of Zone A; then by azimuth measured clockwise from True South, 270 degrees for a distance of eight hundred feet; 180 degrees for a distance of five hundred twenty-five feet; 270 degrees for a distance of three hundred sixty feet; 360 degrees for a distance of one thousand thirty-five feet; then by straight line to the point of beginning.

Zone B is designated as a commercial zone for sailing, windsurfing and scuba diving. Vessels transiting this zone shall proceed with extreme caution.

(c) All commercial ocean recreation activities are prohibited within Kualoa ocean waters restricted zones (A) and (B) on Sundays, effective January 1, 1991. [Eff 2/24/94] (Auth: HRS §§200-22, 200-23, 200-24, 200-37,) (Imp: HRS §§200-22, 200-23, 200-24, 200-37,)

§13-256-73 Kaneohe Bay Waters. (a) Kaneohe Bay waters means the area encompassed by the boundaries shown on Exhibit "V", dated May 15, 1990, and located at the end of this subchapter. The boundaries are described as follows:

Beginning at the northern point on the shoreline of Mokapu Point, then by azimuth measured clockwise from True South, 127 degrees for a distance of fifty thousand nine hundred and twenty-five feet to Makahonu Point, then along the shoreline of Kaneohe Bay to the point of beginning.

(b) Commercial ocean recreation activities shall be restricted within Kaneohe Bay waters as follows:

- (1) No commercial operator, holding a valid ocean recreational management area commercial use permit, shall operate a thrill craft, engage in water sledding or commercial high speed boating, or operate a motor vessel towing a person engaged in water sledding during weekends and state or federal holidays.

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- (2) All commercial ocean recreation activities in Kaneohe Bay waters are prohibited on Sunday, effective January 1, 1991.

(c) Zone A Kaneohe Bay restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "W", dated October 24, 1990, and located at the end of this subchapter. The boundaries of Zone A are described as follows:

Beginning at a point in the water by azimuth measured clockwise from True South, 234.5 degrees for a distance of three thousand nine hundred feet from the Sampan Channel front navigational range light; then on a radius of two hundred feet around that point.

(d) Zone B Kaneohe Bay restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "W", dated October 24, 1990, and located at the end of this subchapter. The boundaries of Zone B are as follows:

Beginning at a point in the water, by azimuth measured clockwise from True South, 200 degrees for a distance of five thousand two hundred eighty feet from a point on the low water mark on the northern tip of Kealahi Point; then on a radius of two hundred feet around that point.

(e) Zone C restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "W", dated October 24, 1990, and located at the end of this subchapter. The boundaries of Zone C are as follows:

Beginning at a point in the water, by azimuth measured clockwise from True South, 194 degrees for a distance of five thousand four hundred ninety feet from a point on the low water mark on the northern tip of Kealahi Point; then on a radius of two hundred feet around that point.

(f) Zone D Kaneohe Bay restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "W", dated October 24, 1990, and located at the end of this subchapter. The boundaries of Zone D are as follows:

Beginning at a point in the water, by azimuth measured clockwise from True South, 187 degrees for a distance of five thousand seven hundred thirty feet from a point on the low water mark on the northern tip of Kealahi Point; then on a radius of two hundred feet around that point.

- (1) Zones A, B, C and D are designated as commercial thrill craft zones. No more than six rental thrill craft shall operate within each zone at any one time. No person shall operate or moor a vessel or sailboard in these zones.

- (2) Commercial thrill craft shall be operated only within zones A, B, C and D only between the hours of 9:00 a.m. and 5:00 p.m., Mondays through Fridays. No commercial thrill craft shall be operated within Zones A, B, C and D on Saturdays, Sundays, and state or federal holidays.

(g) Zone E Kaneohe Bay restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "V-1", dated October 24, 1990, and located at the end of this subchapter. The boundaries of Zone E are as follows:

Beginning at a point in the water which is located by azimuth measured clockwise from True South, 219 degrees for a distance of three thousand four hundred eighty feet from the low water mark on the northern tip of Wailau Point "Kahuluu Landing"; then 300 degrees for a distance of five thousand two hundred eighty feet; 026 degrees for a distance of eight hundred forty feet; 032 degrees for a distance of five hundred forty feet; 120 degrees for a distance of one thousand six hundred twenty feet; then by a straight line to the point of beginning.:

(h) Zone E is restricted to SCUBA, snorkeling and sightseeing cruises only. Anchoring on live coral is prohibited. No person shall walk, stand or sit on live coral formations. Vessels entering this zone shall use extreme caution while this zone is occupied during diving activities

(i) Zone F Kaneohe Bay restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "W", dated October 24, 1990, and located at the end of this subchapter. The boundaries of Zone F are as follows.:

Beginning at a point in the water which is located by azimuth measured clockwise from True South, 182 degrees for a distance of four thousand two hundred sixty feet from the North tip of the pier at Heeia Kea Small Boat Harbor; then 120 degrees for a distance of one thousand nine hundred fifty feet; 212 degrees for a distance of five hundred forty feet; 206 degrees for a distance of eight hundred forty feet; 314 degrees for a distance of one thousand two hundred feet; then by a straight line to the point of beginning.

(j) Zone G Kaneohe Bay restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "W", dated October 24, 1990, and located at the end of this subchapter. The boundaries of Zone G are as follows:

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Beginning at a point in the water which is located by azimuth measured clockwise from True South, 213 degrees for a distance of three thousand eight hundred ten feet from the north tip of the pier at Heeia Kea Small Boat Harbor; then 120 degrees for a distance of one thousand six hundred eighty feet; 211 degrees for a distance of seven hundred twenty feet; 301 degrees for a distance of one thousand six hundred sixty-five feet; then by a straight line to the point of beginning.

(k) Zones F and G are designated as commercial and recreational water ski and water sledding zones. All water skiing and water sledding and the operation of towed devices used to carry passengers for both commercial and recreational purposes West of the Sampan Channel is restricted to these zones. No more than four commercial operating area use permits for water sledding shall be permitted in Zone F or G for safety purposes. No person shall moor a vessel within these zones.

(l) Zone H restricted zone is the area encompassed by the boundaries shown on Exhibit "V-1", dated October 24, 1990, and located at the end of this subchapter. The boundaries of Zone H are as follows:

Beginning at a point in the water which is located by azimuth measured clockwise from True South, 219 degrees for a distance of three thousand four hundred eighty feet from the low water mark on the tip of Wailau Point "Kahuluu Landing"; then 168 degrees for a distance of three thousand five hundred seventy feet; 270 degrees for a distance of one thousand three hundred twenty feet; 311 degrees for a distance of nine thousand feet; 039 degrees for a distance of one thousand two hundred seventy-five feet; 012 degrees for a distance of one thousand fifty feet; 031 degrees for a distance of seven hundred twenty feet; 120 degrees for a distance of five hundred ten feet; 173 degrees for a distance of one thousand three hundred sixty-five feet; 134 degrees for a distance of one thousand two hundred feet; then by a straight line to the point of beginning.

(m) Zone H-1 restricted zone is the area encompassed by the boundaries shown on Exhibit "W", dated October 24, 1990, and located at the end of this subchapter. The boundaries of Zone H-1 are as follows:

Beginning at a point in the water which is located by azimuths measured clockwise from True South, 206.5 degrees for a distance of six thousand five hundred ten feet from a point on the low water mark on the northern tip of Kealohi

Point; then 210 degrees for a distance of two thousand seven hundred seventy-five feet; 227 degrees for a distance of two thousand seven hundred seventy-five feet; 039 degrees for a distance of one thousand fifty feet; then in a straight line to the point of beginning.

No person shall operate a vessel within Zones H and H-1 at a speed in excess of slow-no-wake. Recreational thrill craft and water ski and water sledding activities are prohibited. Commercial vessels and activities are prohibited, except for commercial fishing vessels engaged in baiting operations.

(n) Kaneohe Bay recreational thrill craft zone is the area seaward of the boundaries of zones "H", "H1" and "I" shown on Exhibit "X", dated October 24, 1990, and located at the end of the subchapter. The boundaries are as follows:

Beginning at a point in the water immediately south of buoy "3", which marks the southeast boundary of the northern shipping channel in Kaneohe Bay; then in a southerly direction along the eastern boundary of the channel to the intersection of the Sampan Channel at buoy "10", except where zoned for other activity; then in a northeast direction along the northwestern boundary of the Sampan Channel to buoy R-2; then on a straight line to the point of beginning.

The Kaneohe Bay recreational thrill craft zone is designated for recreational thrill craft. Recreational thrill craft shall not be operated in any other area of Kaneohe Bay.

(o) Zone I restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "W", dated October 24, 1990, and located at the end of this subchapter. The boundaries of Zone I are as follows:

Beginning at a point in the water which is located by azimuths measured clockwise from True South, 213 degrees for a distance of three thousand eight hundred ten feet from the north tip of the pier at Heeia Kea Small Boat Harbor; then 210 degrees for a distance of six hundred seventy-five feet; 121 degrees for a distance of one thousand six hundred sixty-five feet; 192 degrees for a distance of one thousand fifty feet; 219 degrees for a distance of one thousand two hundred seventy-five feet; 311 degrees for a distance of five thousand eight hundred twenty feet; 037 degrees for a distance of one thousand nine hundred fifty feet; then by a straight line to the point of beginning.

(p) Zone J restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "W", dated October 24,

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1990, and located at the end of this subchapter. The boundaries of Zone J are as follows:

Beginning at a point in the water which is located by azimuths measured clockwise from True South, 235 degrees for a distance of two thousand five hundred eighty feet from the front Sampan Channel navigational range light; then 114 degrees for a distance of one thousand two hundred thirty feet; 218 degrees for a distance of one thousand eight hundred feet; 287 degrees for a distance of one thousand six hundred ninety-five feet; 006 degrees for a distance of one thousand eighty feet; then by a straight line to the point of beginning.

(q) Zones I and J are designated as commercial ocean water sports zones. Other vessels entering these zones shall exercise extreme caution while they are being utilized for commercial ocean water sports activities. Vessels operating in Zone I shall maintain a watch for sea turtles which may migrate to the North central part of the zone, and exercise care to stay clear of any turtles observed.

(r) Zone J-1 Kaneohe Bay restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "W", dated October 24, 1990, and located at the end of this subchapter. The boundaries of Zone J-1 are as follows:

Beginning at a point in the water by azimuths measured clockwise from True South, 206 degrees for a distance of two thousand two hundred fifty feet from the Sampan Channel front navigational range light; then 114 degrees for a distance of two hundred twenty-five feet; 180 degrees for a distance of three hundred seventy-five feet; 218 degrees for a distance of one thousand four hundred forty feet; 287 degrees for a distance of four hundred fifty feet; then in a straight line to the point of beginning.

(s) Zone J-1 is designated as commercial water ski and water sledding zones. All water skiing and water sledding and the operation of towed devices used to carry passengers for both commercial and recreational purposes is restricted to this zone. Only one commercial operating area use permit for water sledding shall be permitted within this zone for safety purposes. No person shall moor a vessel within this zone.

(t) Kaneohe Bay Channel speed restrictions. Notwithstanding any rule to the contrary, the speed of any watercraft shall not exceed 15 knots when within the confines of the Kaneohe Bay channel as shown on Exhibits "V-1", "W" and "X", dated October

24, 1990, and located at the end of this subchapter. The boundaries are described as follows:

The Kaneohe Channel, beginning at a line across the channel at daybeacon G"11", then through each and every buoy and daybeacon in ascending order to the intersection at the extended line of the Sampan Channel range marks.

(u) No increase in the level of commercial activities as of July 3, 1990 will be permitted within Kaneohe Bay waters. [Eff 2/24/94] (Auth: HRS §§200-22, 200-23, 200-24, 200-37) (Imp: HRS §§200-22, 200-23, 200-24, 200-37)

§13-256-74 Kailua Ocean Waters Restricted Zones.

(a) Zone A Kailua ocean waters restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "Y", dated June 7, 1989, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark of the shoreline at the extension of the western boundary of Kailua Beach Park; then along the low water mark of the shoreline in a eastern direction for a distance of three hundred feet; then by azimuth measured clockwise from True South, 180 degrees for a distance of one thousand one hundred fifty feet; 090 degrees for a distance of three hundred feet; then by a straight line to the point of beginning.

Zone A Kailua ocean waters restricted zone is designated for windsurfing. No person shall operate a motor vessel and no person shall swim in the zone when used by windsurfers.

(c) Zone B Kailua ocean waters restricted zone is the area encompassed by the boundaries of the zone shown on Exhibit "Y" , dated June 7, 1989, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point at the center of the bridge of Kawaihoa Road at the entrance to Kaelepulei Pond; then for fifty feet either side of a line by azimuth measured clockwise from True South, 240 degrees for a distance of one thousand feet.

Zone B Kailua ocean waters restricted zone is designated an ingress/egress zone for manually propelled vessels. Swimming in the zone is prohibited when in use by vessels. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-256-75 Waimanalo Ocean Waters Restricted Zones.

(a) Zone A Waimanalo restricted zone.

- (1) Zone A Waimanalo Ocean Waters restricted zone means the area confined by the boundaries shown for said zone on Exhibit "AA", dated June 30, 1988, located at the end of this subchapter. The boundaries of Zone A are as follows:

Beginning at a point on the low water mark of the shoreline which is six hundred feet south of the south bank of the mouth of Waimanalo Stream; then by azimuth measured clockwise from True South, 265 degrees for a distance of one hundred feet; 355 degrees for a distance of five hundred feet; 085 degrees to a point on the low water mark of the shoreline; then along the low water mark in a northerly direction to the point of beginning.

(b) Zone B Waimanalo Restricted Zone.

- (1) Zone B Waimanalo restricted zone means the area confined by the boundaries shown for said zone on Exhibit "AA", dated June 30, 1988, located at the end of this subchapter. The boundaries of Zone B are as follows:

Beginning at a point on the low water mark of the shoreline which measures one thousand four hundred fifty feet in a southerly direction, along the low water mark from the south boundary of Zone A; then by azimuth measured clockwise from True South, 256 degrees for a distance of one hundred feet; 340 degrees for a distance of five hundred feet; 075 degrees to a point on the low water mark of the shoreline; then along the low water mark in a northerly direction to the point of beginning.

(c) Zone C Waimanalo Restricted Zone.

- (1) Zone C Waimanalo restricted zone means the area confined by the boundaries shown for said zone on Exhibit "AA", dated, June 30, 1988, located at the end of this subchapter. The boundaries of Zone C are as follows:

Beginning at a point on the low water mark of the shoreline which measures nine hundred fifty feet, along the low water mark of the shoreline in a northerly direction from the extension of Aloiloi Street at the shoreline; then northward along the low water mark for a distance of five

hundred feet; then by azimuth measured clockwise from True South, 240 degrees for a distance of one hundred feet; 320 degrees for a distance of five hundred feet; 055 degrees to a point on the low water

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mark of the shoreline; then by a straight line to the point of beginning.

(d) Zones A, B and C Waimanalo restricted zones are designated for swimming and bathing. No person shall operate or moor a vessel, surfboard, or sailboard within these zones. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-76 Makapuu Ocean Waters Restricted Zones.

(a) Zone A Makapuu restricted zone.

(1) Zone A Makapuu restricted zone means the area confined by the boundaries shown for said zone on Exhibit "BB", dated June 30, 1988, located at the end of this subchapter. The boundaries of Zone A are as follows:

Beginning at a point on the low water mark of the shoreline south of the Makai Range Pier in line with the channel range lights; then by azimuth measured clockwise from True South, 213 degrees for a distance of one hundred feet; 120 degrees for a distance of five hundred seventy feet; 033 degrees to a point on the low water mark of the shoreline; then along the low water mark in a northerly direction to the point of beginning.

(2) Restriction. Zone A Makapuu restricted zone is designated for swimming and bathing. No person shall operate or moor a vessel, surfboard, or sailboard within this zone.

(b) Zone B Makapuu Restricted Zone.

(1) Zone B Makapuu restricted zone means the area confined by the boundaries shown for said zone on Exhibit "BB",

dated, June 30, 1988, located at the end of this subchapter. The boundaries of Zone B are as follows:

Beginning at a point on the low water mark of the eastern tip of Manana Island; then by a straight line to the northeastern tip of Kaohikaipu Island; then along the low water mark

- in a westerly direction to the western tip of the island; then by a straight line to the low water mark at the western tip of Manana Island; then along the low water mark in a easterly direction to the point of beginning.
- (2) Restriction. No person shall operate a vessel at a speed in excess of slow-no-wake in this zone.
- [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4)
(Imp: HRS §§200-2, 200-3, 200-4)

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§13-256-77 Kaneohe commercial high speed boating zone.

(a) The high speed boating zone is the area encompassed by the boundaries of the zone shown on Exhibit "V", dated May 15, 1990, and located at the end of this subchapter. The boundaries of Zone K are as follows:

Beginning at a point in the water at the intersection of the Kaneohe Sampan channel ranges extending seaward with an azimuth measured clockwise from True South of 217 degrees, and the Kaneohe Bay waters boundary, establishing the southeastern boundary of the zone; then in a straight line to a point in the water at the intersection of the Kaneohe ship channel ranges extending seaward with an azimuth measured clockwise from True South of 227 degrees, and the seaward boundary of Kaneohe Bay waters, establishing the northwest boundary of the zone.

This zone is designated as a commercial high speed boating zone. No more than four commercial operating area use permits for high speed boating shall be issued for this zone. This zone shall be closed to commercial high speed boating annually, during the whale season, from December 15 to May 15 of the following year. [Eff 2/24/94] (Auth: HRS §§200-22, 200-23, 200-24, 200-37,) (Imp: HRS §§200-22, 200-23, 200-24, 200-37,)

§13-256-78 to §13-256-85 (Reserved)

Subchapter 6 South Oahu Ocean Recreation
Management Areas

§13-256-86	Definition
§13-256-87	Hanauma Bay Restricted Zone
§13-256-88	Maunalua Bay Restricted waters
§13-256-89	Waialae-Kahala Restricted Areas
§13-256-90	Diamond Head Restricted Area
§13-256-91	Waikiki Ocean Waters Restricted Zones
§13-256-92	South Shore Parasail Area
§13-256-93	Kahakaaulana Islet (Harris Is.) Commercial Zone
§13-256-94	Reef Runway Zone
§13-256-95	Koko Head and Makapuu commercial high speed boating zone
§13-256-96	Ke'ehi Lagoon canoe racing zone
§13-256-97	Ke'ehi Lagoon competitive water ski zone
§13-256-98	to
§13-256-105	(Reserved)

§13-256-86 Definition. The "South Shore Oahu Ocean Recreation Management Area" means all ocean waters and navigable streams from Makapuu Point to the west boundary of the Honolulu International Airport Reef Runway, Oahu, Hawaii, extending three thousand feet seaward of the territorial sea baseline as shown on Exhibit "CC", dated August 15, 1988, located at the end of this subchapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-87 Hanauma Bay Restricted Zone. (a) The Hanauma Bay Restricted Zone means the area confined by the boundaries shown for said zone on Exhibit "DD", dated August 15, 1988,

located at the end of this subchapter. The boundaries are as follows:

Beginning at the low water mark at Palea Point then by azimuth measured clockwise from True South, 23 degrees 15 minutes and 50 seconds for a distance of one thousand nine hundred forty-six feet to Paioluolu Point; then along the shoreline of Hanauma Bay to the point of beginning.

(b) Restriction: Hanauma Bay is designated a swimming and snorkeling zone. No watercraft of any description shall operate

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or moor in this zone, except a person (1) engaged in law enforcement, rescue or other operations essential to preserve life or property; (2) engaged in research or other activities pursuant to a permit issued by the department of land and natural resources. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-88 Maunalua Bay waters. (a) Maunalua Bay waters means the area encompassed by the boundaries shown on Exhibit "FF", dated May 15, 1990, and located at the end of this subchapter. The boundaries are described as follows:

Beginning at the southern point on the shoreline of Kawaihoa Point, then by azimuth measured clockwise from True South, 107 degrees for a distance of seventeen thousand and eighty-five feet to the southwestern tip of Wailupe Peninsula, then along the shoreline of Maunalua Bay to the point of beginning.

(b) Commercial ocean recreation activities shall be restricted within Maunalua Bay waters as follows:

- (1) No commercial operator shall operate a thrill craft, engage in parasailing, water sledding or commercial high speed boating, operate a motorized vessel towing a person engaged in parasailing, or operate a motor vessel towing a person engaged in water sledding during all weekends, and state or federal holidays.
- (2) All commercial ocean recreation activities in Maunalua Bay waters are prohibited on Sunday, effective January 1, 1991.

(c) Zone A Restricted Zone is the area encompassed by the boundaries shown of the zone on Exhibit "EE", dated February 7, 1990, and located at the end of this subchapter. The boundaries of Zone A are as follows:

Beginning at a point in the water, by azimuth measured

clockwise from True South, which is 325 degrees for a distance of two thousand three hundred twenty-five feet from a point on the low water mark on the east side of Maunaloa Bay boat ramp; then on a radius of two hundred feet around that point.

(d) Zone B Restricted Zone is the area encompassed by the boundaries shown of the zone on Exhibit "EE", dated February 7, 1990, and located at the end of this subchapter. The boundaries of Zone B are as follows:

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Beginning at a point in the water, by azimuth measured clockwise from True South, which is 330 degrees for a distance of one thousand six hundred eighty feet from a point on the low water mark on the east side of Maunaloa Bay boat ramp; then on a radius of two hundred feet around that point.

(e) Zone C Restricted Zone is the area encompassed by the boundaries shown of the zone on Exhibit "EE", dated February 7, 1990, and located at the end of this subchapter. The boundaries of Zone C are as follows:

Beginning at a point in the water, by azimuth measured clockwise from True South, which is 340 degrees for a distance of two thousand five hundred fifty feet from a point on the low water mark on the east side of Maunaloa Bay boat ramp; then on a radius of two hundred feet around that point.

Zones A, B and C are designated commercial thrill craft operating zones. No commercial operator permittee shall operate more than six rental thrill craft within each designated area at any one time. No commercial thrill craft shall be operated within Zones A, B and C except between the hours of 9:00 a.m. and 5:00 p.m., Mondays through Fridays. No commercial thrill craft shall be operated within Zones A, B and C on Saturdays, Sundays and state or federal holidays.

(f) Zone D Restricted Zone is the area encompassed by the boundaries shown of the zone on Exhibit "EE", dated February 7, 1990, and located at the end of this subchapter. The boundaries of Zone D are as follows:

Beginning at a point in the water, by azimuth measured clockwise from True South, which is 012 degrees for a distance of seven hundred fifty feet from a point on the low water mark on the east side of Maunaloa Bay boat ramp; then on a radius of two hundred feet around that point.

Zone D is designated a recreational thrill craft operating zone for use by inexperienced operators only. Commercial thrill craft operations are prohibited.

(g) Zone E Restricted Zone is the area encompassed by the boundaries shown of the zone on Exhibit "EE", dated February 7, 1990, and located at the end of this subchapter. The boundaries of Zone E are as follows:

Beginning at a point in the water, by azimuth measured clockwise from True South 076 degrees for a distance of four thousand one hundred feet from Buoy "1", then 076 degrees for a distance of eight thousand four hundred feet; 168 degrees for a distance of one thousand four hundred fifty-five feet; 259 degrees for a distance of

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eight thousand five hundred eighty feet; then in a straight line to the point of beginning.

Zone E is designated a recreational thrill craft zone. No person shall operate a commercial thrill craft within this area. Other vessels shall exercise caution when transiting this area. This zone shall be closed to all thrill craft operations during the whale season, from December 15 to May 15 of the following year.

(h) Zone F Restricted Zone is the area encompassed by the boundaries shown of the zone on Exhibit "EE", dated February 7, 1990, and located at the end of this subchapter. The boundaries of Zone F are as follows:

Beginning at a point in the water at Buoy "1", by azimuth measured clockwise from True South, then 157 degrees for a distance of one thousand nine hundred thirty-five feet; 092 degrees for a distance of one thousand nine hundred five feet; 085 degrees for a distance of three thousand three hundred feet; 075 degrees for a distance of four thousand two hundred eighteen feet; 347 degrees for a distance of two thousand four hundred feet; 259 degrees for a distance of eight thousand eight hundred eighty feet; 000 degrees for a distance of eight hundred eighty-five feet; then by a straight line to a point of beginning.

No person shall operate a vessel within this area at a speed in excess of slow-no-wake. This is a green sea turtle resting and foraging area.

(i) Zone G Maunalua Bay Parasail Zone is the area encompassed by the boundaries shown of the zone on Exhibit "FF", dated May 15, 1990, and located at the end of this subchapter. The boundaries of Zone G are as follows:

Beginning at entrance buoy "1" to the Hawaii-Kai Marina and Maunalua Bay boat launching ramp, establishing the eastern boundary along the extended centerline of the Ku'i

channel entrance; then by straight line to buoy R-2 off Diamond Head, establishing the western boundary.

Zone G Maunalua Bay Parasail Zone is designated for parasail operations. All operating parasail vessels shall remain seaward of the boundary line. No more than two commercial operating area use permits for parasailing operations shall be authorized for this zone. No permittee shall operate more than one vessel with a parasail aloft at any one time. No person shall operate within one thousand feet of any buoy when the parasail is aloft. All

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other vessels using this area shall exercise extreme caution. This zone, except for that portion which is encompassed by alternate parasail zone G1, shall be closed to parasail operations from January 6 to May 15 of each year.

(j) Zone G1 Maunalua Bay Alternate Parasail Zone is the area encompassed by the boundaries shown on Exhibit "FF", dated May 15, 1990, and located at the end of this subchapter. The boundaries of Zone G1 are as follows:

Beginning at a point on the the eastern boundary of Zone G at the intersection of the straight line following a line from Kawaihoa Point at Koko Head to buoy R-2 off Diamond Head, establishing the shoreward boundary; then at a point on the shoreward boundary intersected by a line on a bearing of 000 degrees to the Kahala Hilton Hotel establishing the western boundary.

Zone G1 Maunalua Bay Alternate Parasail Zone is that portion of parasail Zone G which is designated for parasail operations from January 6 to May 15 of each year. No permittee shall operate more than one parasail vessel within this zone during this period. No parasail vessel shall exceed the speed of 18 knots within this zone. All other vessels using this area shall exercise caution.

(k) Zone H Ingress-egress corridor means the area encompassed by the boundaries shown on Exhibit "HH", dated August 19, 1988, and located at the end of this subchapter. The boundaries of Zone H are as follows:

Beginning at a point at the shoreward western boundary of Maunalua Beach Park boat ramp; then by azimuth measured clockwise from True South, 120 degrees for a distance of seventy-five feet, 030 degrees for a distance of one hundred feet to a point in the water; 120 degrees for a distance of one hundred feet to a point in the water; 218 degrees for distance of one hundred feet to a point on

land; then in a straight line to the point of beginning.

Zone H is designated for recreational thrill craft ingress-egress to the ocean waters of Maunalua Bay. No person shall operate or moor a vessel, surfboard, or sailboard within this area.

(1) Zone I means the area encompassed by the boundaries shown on Exhibit "HH", dated August 19, 1988, and located at the end of this subchapter. The boundaries of Zone I are as follows:

Beginning at a point in the water 270 degrees by azimuth measured clockwise from True South, at a distance of twenty-five feet from daybeacon R"2" of Ku'i channel; then

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270 degrees for a distance of three hundred feet, 025 degrees for a distance of one thousand one hundred twenty-five feet; 090 degrees for a distance of three hundred feet; then in a straight line to the point of beginning.

Zone I is designated for recreational water skiing and commercial water sledding. Only one commercial operating area use permit shall be issued for this zone for safety purposes.

(m) Maunalua Bay, Ku'i Channel speed restrictions.

(1) The speed of any watercraft shall not exceed 10 knots when within the confines of the Ku'i channel as shown on Exhibit "GG" dated May 15, 1990, and described as follows:

Beginning at a line drawn between buoys R"2" and G"1A", then through each and every daybeacon in ascending order to daybeacons R"8" and G"9".

(2) The speed of any watercraft shall not exceed 5 knots when within the confines of the Ku'i channel as shown on Exhibit "GG", dated May 15, 1990, and located at the end of this subchapter. The boundaries are described as follows:

Beginning at a line drawn between buoys R"8" and G"9", then through each and every daybeacon and buoy in ascending order to the boundaries of Hawaii Kai Marina Bridge, May Way Bridge and Kuli'ou'ou Stream.
[Eff 2/24/94] (Auth: HRS §§200-22, 200-23, 200-24, 200-37) (Imp: HRS §§200-22, 200-23, 200-24, 200-37)

§13-256-89 Waialae-Kahala Restricted Areas.

(a) The Waialae-Kahala Swimming Area A.

(1) The Waialae-Kahala swimming area A means the area confined by the boundaries shown for said zone on Exhibit "II", dated August 19, 1988

located at the end of this subchapter. The boundaries are as follows:

Beginning at the low water mark at the southern tip of the Waialae Nui Stream groin, then by azimuth measured clockwise from True South; 205 degrees for a distance of five hundred fifty feet to a point in the water; then in a straight line to the southern tip of the rocky peninsula; then along the low water mark in a westerly direction to the point of beginning.

- (b) The Waialae-Kahala Swimming Area B.
- (1) The Waialae-Kahala swimming area B means the area confined by the boundaries shown for said area on

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Exhibit "II", dated August 19, 1988 located at the end of this subchapter. The boundaries are as follows:

Beginning at the low water mark at the southern tip of the rocky peninsula then by azimuth measured clockwise from True South; 340 degrees to the north tip of the islet; then along the low water mark on the eastern portion of the islet to the southeast tip; then in a straight line to the southern tip of the groin at the eastern boundary of the Kahala Hilton Hotel; then following the low water mark in a westerly direction to the point of beginning.

- (2) Restrictions. The Waialae-Kahala swimming areas A and B are designated for swimming and bathing and the use of water sports equipment. No person

shall operate or moor a vessel, except as provided for in subsection (d), or surfboard, or sailboard within this area.

- (c) Waialae-Kahala Ingress-Egress Corridor.

- (1) The Waialae-Kahala ingress-egress corridor means the area confined by the boundaries shown for said area on Exhibit "II", dated, August 19, 1988 located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark of the shoreline which is adjacent to the east side of the groin at Waialae Beach Park; then by azimuth measured clockwise from True South, 006 degrees to the seaward end of the groin and the boat channel; then 253 degrees for a distance of one hundred forty feet along the boat channel; then 186 degrees to the low

water mark of the shore; then along the shoreline to the point of beginning.

- (2) Restrictions. The Waialae-Kahala ingress-egress corridor is designated for use by windsurfing and manually propelled water sports equipment.

- (d) Waialae-Kahala Beach Boat Channel.

- (1) The Waialae-Kahala beach boat channel means the area confined by the boundaries shown on Exhibit "II", dated, August 19, 1988 located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark at the southern tip of the Waialae Nui Stream groin, then by azimuth measured clockwise from True South, 205 degrees for a distance five hundred fifty feet, coincident with Swimming Area A boundary; then in a straight line to the

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low water mark at the south eastern tip of the rocky peninsula; then along the low water mark of the rocky peninsula and shoreline to a point one hundred twenty-five feet east of the rocky peninsula; then 343 degrees in a straight line to intersect Swimming Area B boundary; then along Swimming Area B boundary to the northern tip of the islet; then 160 degrees for a distance of four hundred twenty-five feet; then 025 degrees for a distance of four hundred seventy-five feet; then in a northwesterly direction to the point of beginning.

- (2) Restrictions. The Waialae-Kahala beach boat channel is designated for use by commercial vessels, operating under contract with the Kahala Hilton Hotel and holding a valid commercial use permit from the department. The operation of any other vessel is prohibited within this area. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-90 Diamond Head Restricted Area. (a) The Diamond Head Restricted area means the area confined by the boundaries shown for said area on Exhibit "JJ", dated September 19, 1988, located at the end of this subchapter, the boundaries are as follows:

Beginning at a point at the low water mark of the

shoreline on the western boundary of the Diamond Head Lighthouse; then by azimuth measured clockwise from True South, 345 degrees for a distance of two thousand eight hundred eighty feet; 253 degrees for a distance of two thousand two hundred fifty feet; then by a straight line to a point at the low water mark at the most eastern boundary of Diamond Head Beach Park; then along the low water mark in a westerly direction to the point of beginning.

(b) Restrictions. The Diamond Head Restricted Area is designated for surfboards, sailboards and manually propelled vessels. No person shall operate a motorized vessel within this area. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-256-91 Waikiki Ocean Waters Restricted Zones.

(a) Waikiki Speed Zone.

- (1) Waikiki speed zone means the area confined by the boundaries shown for said zone on Exhibit "KK", dated June 30, 1988, located at the end of this subchapter. The boundaries are as follows:
Beginning at a point on the low water of the shoreline at the southern tip of Magic Island on a straight line to the Ala Wai Entrance Buoy G "1", then on a straight line to Diamond Head Buoy R "2", then on a straight line toward Diamond Head Lighthouse to intersect the Diamond Head windsurfing zone boundary, then along the boundary to the low water mark at Diamond Head Beach Park, then along the low water mark following the shoreline to the point of beginning.

- (2) Restriction. No person shall operate a vessel or watercraft within the Waikiki speed zone at a speed in excess of slow-no-wake. Vessel operators shall exercise caution while transiting the area due to heavy use by swimmers.

(b) Waikiki Commercial Thrill Craft Zone A.

- (1) Waikiki Thrill Craft Zone A means the area confined by the boundaries shown on Exhibit "KK", dated June 30, 1988, located at the end of this subchapter. The boundaries are as follows:
Beginning at a point in the water by azimuth

measured clockwise from True South, 045 degrees for a distance of three thousand six hundred feet from the low water mark of the tip of the groin at the southern boundary of Fort DeRussy Beach Park; then on a radius of two hundred feet around that point.

(c) Waikiki Commercial Thrill Craft Zone B.

(1) Waikiki Commercial Thrill Craft Zone B means the area confined by the boundaries shown for said zone on Exhibit "KK", dated June 30, 1988, located at the end of this subchapter, which boundaries are described as follows:

Beginning at a point in the water by azimuth measured clockwise from True South, 025 degrees for a distance of three thousand eight hundred feet from the low water mark of the tip of the groin at the southern boundary of Fort DeRussy Beach Park; then on a radius of two hundred feet around that point.

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(d) Restrictions. Waikiki Commercial Thrill Craft Zone A and Zone B are designated commercial thrill craft areas. No commercial operator permittee shall operate more than six rented thrill craft within it assigned area at any one time. [Eff 2/24/94] (Auth: HRS §§200-23, 200-24, 200-37) (Imp: HRS §§200-23, 200-24, 200-37)

§13-256-92 South Shore Parasail Area.

(a) South Shore Parasail Area is the area defined on Exhibit "LL", dated February 7, 1990, and located at the end of this subchapter. The boundaries are as follows:

Beginning at buoy R-2 of Kalihi Channel entrance; then by straight line to buoy G-1 of the Ala Wai channel; then by straight line to buoy R-2 off Diamond Head.

(b) South Shore Parasail Area is designated for the operation of parasail vessels. No more than four commercial operating area use permits shall be authorized in this area. No permittee shall operate more than one vessel with a parasail aloft at any one time. All operating parasail vessels shall remain seaward of the boundary line. No person shall operate a parasail aloft within one thousand feet of any channel entrance buoys. All other vessels using this area shall exercise extreme caution. This area shall be closed to parasail operations from January 6 to May 15 of each year.

(c) South Shore Alternate Parasail Area is the area

defined on Exhibit "LL", dated February 7, 1990, and located at the end of this subchapter. The boundaries are as follows:

Beginning at buoy R-2 of Kalihi Channel entrance; then by straight line to buoy R-2 off Diamond Head.

(d) South Shore Alternate Parasail Area is designated for parasail operations from January 6 to May 15 of each year. No more than four parasail vessels shall be operated within this area during this period. All parasail vessels with parasail aloft, shall remain seaward of the boundary line. No person shall operate a parasail aloft within one thousand feet of any channel entrance buoys. All other vessels using this area shall exercise extreme caution. [Eff 2/24/94] (Auth: HRS §§200-22, 200-23, 200-24, 200-37) (Imp: HRS §§200-22, 200-23, 200-24, 200-37)

§13-256-93 Kahakaaulana Islet (Harris Is.) Commercial Zone. (a) Zone A Restricted Area is the area encompassed by the

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boundaries shown of the zone on Exhibit "NN", dated June 6, 1989, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point in the water, by azimuth measured clockwise from True South, which is 123 degrees for a distance of five hundred twenty-five feet from a point on the low water mark on the eastern tip of Mokuoeo Island; then on a radius of two hundred feet around that point.

(b) Zone B Restricted Area is the area encompassed by the boundaries shown of the zone on Exhibit "NN", dated June 6, 1989, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point in the water, by azimuth measured clockwise from True South, which is 208 degrees for a distance of four hundred fifty feet from a point on the low water mark on the eastern tip of Mokuoeo Island; then on a radius of two hundred feet around that point.

(c) Zone C Restricted Area is the area encompassed by the boundaries shown of the zone on Exhibit "NN", dated June 6, 1989, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point in the water, by azimuth measured clockwise from True South, which is 242 degrees for a distance of nine hundred feet from a point on the low water mark on the eastern tip of Mokuoeo Island; then on a radius of two hundred feet around that

point.

(d) Zone D Restricted Area is the area encompassed by the boundaries shown of the zone on Exhibit "NN", dated June 6, 1989, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point in the water, by azimuth measured clockwise from True South, which is 115 degrees for a distance of six hundred forty-five feet from a point on the low water mark on the western tip of Mokuoeo Island; then on a radius of two hundred feet around that point.

(e) Zones A, B, C, and D are designated as commercial thrill craft zones. No commercial operator permittee shall operate more than six rented thrill craft within the assigned zones at any one time.

(f) Zone E restricted zone is the area encompassed by the boundaries shown on Exhibit "NN", dated June 6, 1989, located at the end of this subchapter. The boundaries are as follows:

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Beginning at a point on the low water mark of the northern tip of Kahakaaulana Islet (Harris Is.), then by azimuth measured clockwise from True South, which is 180 degrees for a distance of three hundred sixty feet; 090 degrees for a distance of one thousand fifty feet; 000 degrees for a distance of one thousand two hundred seventy-five feet; then by a straight line to the shoreline at the south tip of Kahakaaulana Islet (Harris Is.).

(g) Zone E restricted zone is designated a a commercial ocean activities zone for commercial sailing, windsurfing and diving. Vessels transiting this area shall exercise extreme caution when occupied by commercial activities.

[Eff 2/24/94] (Auth: HRS §§200-23, 200-24, 200-37) (Imp: HRS §§200-23, 200-24, 200-37)

§13-256-94 Reef Runway Zone F. (a) The Reef Runway Zone F is the area encompassed by the boundaries shown of the zone on Exhibit "NN", dated June 6, 1989, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point in the water by azimuth measured clockwise from True South, 323 degrees for a distance of four hundred fifty feet from the low water mark of the western boundary of the Reef Runway 8R; then 323 degrees for a distance of two thousand seven hundred sixty feet; 270 degrees for a distance of

thirteen thousand seven hundred ten feet; 180 degrees for a distance of two thousand two hundred fifty feet; then by a straight line to the point of beginning.

(b) The Reef Runway Zone F is designated for recreational thrill craft operations. No person shall operate a commercial thrill craft within this area. Any vessel transiting this area shall exercise extreme caution when occupied by recreational thrill craft. [Eff 2/24/94] (Auth: HRS §§200-23, 200-24, 200-37) (Imp: HRS §§200-23, 200-24, 200-37)

§13-256-95 Koko Head and Makapuu commercial high speed boating zone. (a) The zone is the area defined on Exhibit "CC-1", dated May 15, 1990, and located at the end of this subchapter. The boundaries are as follows:

Beginning at point in the water, by azimuth measured clockwise from True South, 312 degrees from Kawaihoa Point,

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establishing the southwest boundary extending seaward; then on a line not less than one thousand five hundred feet from the shoreline to Makapuu Point; then 311 degrees extending seaward from Makapuu Point, establishing the northeast boundary.

(b) This zone is designated for the operation of commercial high speed boats. No more than four commercial operating area use permits for high speed boats shall be issued in this zone. All operating commercial high speed boats shall remain seaward of the shoreward boundary as shown on Exhibit "CC-1". All other vessels transiting this zone shall exercise extreme caution. This zone shall be closed to commercial high speed boat operations during the whale season, from December 15 to May 15 of the following year. [Eff 2/24/94] (Auth: HRS §§200-22, 200-23, 200-24, 200-37) (Imp: HRS §§200-22, 200-23, 200-24, 200-37)

§13-256-96 Ke'ehi Lagoon canoe racing zone. (a) The Ke'ehi Lagoon canoe racing zone is the area encompassed by the boundaries of the zone shown on Exhibit "NN-1", dated August 15, 1990, and located at the end of this subchapter. The boundaries of the zone are as follows:

Beginning at a point in the water, located by azimuth measured clockwise from True South, 043 degrees for a distance of one thousand ninety feet from the low water

mark of the shoreline at the Southwest boundary of Ke'ehi Lagoon Beach Park,; then 235 degrees for a distance of two thousand eight hundred twenty-five feet; 325 degrees for a distance of nine hundred feet; 055 degrees for a distance of two thousand eight hundred twenty-five feet; then to the point of beginning.

(b) The Ke'ehi Lagoon canoe racing zone is designated for training and competitive Hawaiian canoe activities. No person shall anchor or moor a vessel in this zone at any time.
[Eff 2/24/94] (Auth: HRS §§200-23, 200-24, 200-37) (Imp: HRS §§200-23, 200-24, 200-37)

§13-256-97 Ke'ehi Lagoon competitive water ski zone. (a) The Ke'ehi Lagoon competitive water ski zone is the area encompassed by the boundaries of the zone shown on Exhibit "NN-1", dated August 15, 1990, and located at the end of this subchapter. The boundaries of the zone are as follows:

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Beginning at a point in the water, located by azimuth measured clockwise from True South, 000 degrees for a distance of ninety-five feet from the Kalihi Channel rear range light; then 048 degrees for a distance of one hundred eighty-five feet; 064 degrees for a distance of four hundred ten feet; 154 degrees for a distance of two thousand seven hundred forty feet; 244 degrees for a distance of four hundred fifty feet; then to the point of beginning.

(b) The Ke'ehi Lagoon competitive water ski zone is designated as a competitive waterski area. Individual recreational water ski activities shall be permitted except during scheduled competitive water ski activities. No person shall anchor or moor a vessel in this zone at any time.
[Eff 2/24/94] (Auth: HRS §§200-23, 200-24, 200-37) (Imp: HRS §§200-23, 200-24, 200-37)

§13-256-98 to §13-256-105 (Reserved)

Subchapter 7 West Maui Ocean Recreation
Management Areas

§13-256-106	Definition
§13-256-107	Napili Bay Restricted Area
§13-256-108	Lahaina-Kaanapali Offshore Restricted Area
§13-256-109	Kaanapali Commercial Thrill Craft Areas
§13-256-110	Olowalu Beach Restricted Area
§13-256-111	Kaanapali commercial water sledding zone
§13-256-112	Maui Humpback whale protected waters
§13-256-113	
to	
§13-256-115	(Reserved)

§13-256-106 Definition. The "West Maui Ocean Recreation Management Area" means all ocean waters and navigable streams from the northeast boundary of Honolua Bay to McGregor Point, Maui, Hawaii, extending three thousand feet seaward of the territorial sea baseline as shown on Exhibit "OO", dated August 15, 1988, located at the end of this subchapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-107 Napili Bay Restricted Area. (a) The Napili Bay Restricted Area means the area confined by the boundaries

shown for said area on Exhibit "PP", dated June 30, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark of the shoreline at the western tip of Kaelekii Point, then on a straight line across Napili Bay to a point at the low water mark at the north western point of Napili Bay, then along the low water mark of the shoreline in a southerly direction to the point of beginning.

(b) Restriction. The Napili Bay restricted area is designated for swimming and surfing. No person shall operate or moor a vessel within this area, except a vessel holding a valid mooring permit issued by the department. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

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§13-256-108 Lahaina-Kaanapali Offshore Restricted Area.

(a) The Lahaina-Kaanapali Offshore Restricted Area is the area encompassed by the boundaries shown of the area on Exhibit "QQ", dated October 24, 1990, and located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark of the shoreline between and in line with the Lahaina Harbor entrance range markers, by azimuth measured clockwise from True South, 045 degrees for a distance of three thousand one hundred twenty feet to a point in the water defining the southeastern boundary of the area; then 140 degrees for a distance of six thousand sixty feet; 180 degrees for a distance of six thousand three hundred feet; 167 degrees for a distance of twelve thousand three hundred feet, to a point in the water defining the northern boundary of the area.

(b) Restrictions. The Lahaina-Kaanapali Offshore restricted area is designated as a parasailing area. Parasailing activity shall remain seaward of the described boundary when within three miles of the coastline, except when transiting to or from Lahaina Harbor, Mala ramp or a designated mooring area. No more than five commercial operating area use permits shall be issued for this zone. Persons operating vessels shall exercise due care when transiting this area. This area shall be closed to parasail operations from December 15 to May 15 of the following year.

[Eff 2/24/94] (Auth: HRS §§200-22, 200-23, 200-24, 200-37)
(Imp: HRS §§200-22, 200-23, 200-24, 200-37)

§13-256-109 Kaanapali Commercial Thrill Craft Areas.

(a) The Kaanapali Commercial Thrill Craft Areas is the area encompassed by the boundaries shown of the areas on Exhibit "RR", dated October 24, 1990, and located at the end of this subchapter. The boundaries are as follows:

(1) Kaanapali Commercial Thrill Craft Area 1.

Beginning at a point at the low water mark on the shoreline at Hanakao Point, thence by azimuth measured clockwise from True South, 079 degrees for a distance of one thousand four hundred fifty-five feet to a point in the water, then on a radius of two hundred feet around that point.

(2) Kaanapali Commercial Thrill Craft Area 2.

Beginning at a point at the low water mark on the shoreline at Hanakao Point, thence by azimuth measured clockwise from True South, 049 degrees for a distance of

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one thousand six hundred twenty feet to a point in the water, then on a radius of two hundred feet around that point.

(3) Kaanapali Commercial Thrill Craft Area 3.

Beginning at a point at the low water mark on the shoreline at Hanakao Point, thence by azimuth measured clockwise from True South, 025 degrees for a distance of two thousand one hundred feet to a point in the water, then on a radius of two hundred feet around that point.

(b) Kaanapali Commercial Thrill Craft areas 1, 2, and 3 are designated as commercial thrill craft areas. No more than six rental thrill craft shall operate within each area at any one time. These areas shall be closed to all thrill craft operations during the whale season, from December 15 to May 15 of the following year. [Eff 2/24/94] (Auth: HRS §§200-22, 200-23, 200-24, 200-37) (Imp: HRS §§200-22, 200-23, 200-24, 200-37)

§13-256-110 Olowalu Beach Restricted Area. (a) The Olowalu Beach Restricted Area means the area confined by the boundaries shown for said area on Exhibit "SS", dated June 30,

1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark of Olowalu Beach which is by azimuth measured clockwise from True South, 256 degrees for a distance of three thousand feet from the southern tip of Hekili Point; then 360 degrees for a distance of five hundred feet; 295 degrees for a distance of three thousand feet; then 256 degrees to a point on the shoreline at the low water mark; then along the shoreline in a westerly direction to the point of beginning.

(b) Restrictions. This area is designated for swimming, snorkeling, scuba diving and shoreline fishing. No person shall operate or moor a vessel within this area. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-111 Kaanapali commercial water sledding zone.
The Kaanapali commercial water sledding zone is encompassed by the boundaries shown on Exhibit "RR", dated October 24, 1990, and located at the end of this subchapter. The boundaries are described as follows:

Beginning at a point in the water located by azimuth measured clockwise from True South, 090 degrees for a

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distance of one thousand fifty feet from the western tip of Kekaa Point, coincident with the Kaanapali Shore Waters boundary; then 090 degrees for a distance of one thousand seven hundred twenty-five feet to the parasail boundary; then 346 degrees for a distance of eight thousand three hundred twenty-five feet along the parasail boundary; then 241 degrees for a distance of one thousand six hundred eighty feet to the Kaanapali Shore Waters boundary; then along the Kaanapali Shore Waters boundary in a northerly direction to the point of beginning.

- (1) This area is designated for commercial water sledding. No more than two commercial operating area use permits for water sledding shall be issued for this zone.
- (2) This area shall be closed to all commercial water sledding operations during the whale season, from December 15 to May 15 of the following year.

[Eff 2/24/94] (Auth: HRS §§200-22, 200-23, 200-24, 200-37) (Imp: HRS §§200-22, 200-23, 200-24,

200-37)

§13-256-112 Maui Humpback whale protected waters. The Maui Humpback whale protected waters means the area encompassed by the boundaries shown on Exhibit "00-1", dated May 15, 1990, and located at the end of this subchapter. The boundaries are described as follows:

Beginning at the shoreline of the southwestern tip of Puu Olai Point, then by azimuths measured clockwise from True South, 082 degrees for a distance of two nautical miles; 141 degrees for a distance of nineteen nautical miles; 164 degrees for a distance of three nautical miles; 184 degrees for a distance of two and five-tenths nautical miles; 200 degrees for a distance of four and three-tenths nautical miles; 295 degrees to Hawea Point; then along the shoreline of west and south Maui to the point of beginning.

Between December 15 and May 15 of the following year during the whale season, no person shall operate a thrill craft, or engage in parasailing, water sledding or commercial high speed boating, or operate a motor vessel towing a person engaged in water sledding or parasailing within this area. [Eff 2/24/94] (Auth: HRS §§200-22, 200-23, 200-24, 200-37) (Imp: HRS §§200-22, 200-23, 200-24, 200-37)

§13-256-113 to §13-256-115 (Reserved)

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Subchapter 8 South Maui Ocean Recreation Management Area

§13-256-116 Definition
§13-256-117
to
§13-256-125 (Reserved)

§13-256-116 Definition. The South Maui Ocean Recreation Management Area means all ocean waters and navigable streams from the eastern boundary of La Perouse Bay to McGregor Point, Maui, Hawaii, extending three thousand feet seaward of the territorial sea base line as shown on Exhibit "TT", dated August 15, 1988, located at the end of this subchapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-117 to §13-256-125 (Reserved)

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Subchapter 9 North Maui Ocean Recreation
Management Area

§13-256-126	Definition
§13-256-127	Hookipa Restricted Zones
§13-256-128	Baldwin Park-Paia Bay Restricted Area
§13-256-129	Papa'ula Point Restricted Zone
§13-256-130	Kanaha Beach Park Restricted Zones
§13-256-131	
to	
§13-256-139	(Reserved)

§13-256-126 Definition. The "North Shore Maui Ocean Recreation Management Area" means all ocean waters and navigable streams from the eastern boundary of Maliko Bay to Waihee Point, Maui, Hawaii, extending three thousand feet seaward of the territorial sea baseline as shown on Exhibit "VV", dated August 15, 1988, located at the end of this

subchapter.

[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-127 Hookipa Restricted Zones.

(a) Zones A, B, C and D, Hookipa restricted zones means the areas confined by the boundaries shown for said zones on Exhibit "WW", dated August 20, 1988, located at the end of this subchapter. The boundaries are as follows:

(b) Zone A, Hookipa restricted Zone.

(1) Beginning at a point at the low water mark at the northern tip of Hookipa Point; thence measured clockwise from True South, 075 degrees for a distance of seven hundred fifty feet; 360 degrees to the boundary of Zone D; then along the boundary of Zone D and the low water mark of the shoreline to the point of beginning.

(2) Restriction. Zone A is designated for swimming and surfing only. No person shall operate a sailboard or other water craft within this area.

(c) Zone B, Hookipa restricted Zone.

(1) Beginning at a point at the low water mark at the northern tip of Hookipa Point; thence measured clockwise from True South, to a beginning point in the water 075 degrees for a distance of seven hundred fifty feet; then continuing at 075 degrees for a distance of five hundred

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fifty feet; 360 degrees to the shoreline; then along the shoreline to Zone D and along the boundary of Zone D to the boundary of Zone A; then by straight line north to the point of beginning.

(2) Restriction. Zone B is designated for surfing when at least five or more persons (5-man rule) are engaged in surfing within this zone. No person shall operate a sailboard within this zone within the surf break area.

(d) Zone C, Hookipa restricted Zone.

(1) Beginning at a point at the low water mark at the northern tip of Hookipa Point; thence measured clockwise from True South, to a beginning point in the water 075 degrees for a

- distance of thirteen hundred feet; then continuing at 075 degrees for a distance of four hundred seventy-five feet; 360 degrees to the shoreline; then along the shoreline to the boundary of Zone B; then by straight line north to the point of beginning.
- (2) Restriction. Zone C is designated for surfing when at least ten or more persons (10-man rule) are engaged in surfing within this zone. No person shall operate a sailboard within this zone within the surf break area. Access for sailboards between the surf break and the shoreline shall be provided at all times.
- (e) Zone D, Hookipa restricted Zone
- (1) Beginning at a point at the low water mark three hundred ninety feet from the western boundary of Hookipa Beach Park, thence measured clockwise from True South; 180 degrees for a distance of one hundred feet; 270 degrees for a distance of four hundred ten feet; 238 degrees for a distance of five hundred forty feet; then in a straight line to the shoreline; then along the shoreline to the point of beginning.
- (2) Restriction. Zone D is designated for pole and net fishing. No person shall operate a sailboard within this zone. [Eff 2/24/94]
(Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-128 Baldwin Park-Paia Bay Restricted Area.

(a) The Baldwin Park-Paia Bay restricted area means the area confined by the boundaries shown for said zone on Exhibit "XX/YY", dated August 23, 1988, located at the end of this subchapter. The boundaries are as follows:

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Beginning at a point at the low water mark at the northern tip of Fly Water Point, then by azimuth measured clockwise from True South, 157 degrees for a distance of five hundred feet; 070 degrees for a distance of six thousand two hundred feet; 344 degrees to the low water mark of the shoreline; then along the low water mark of the shoreline in an easterly direction to the point of beginning.

(b) Restrictions. The Baldwin Park-Paia Bay restricted area is designated for swimming, diving and fishing. No person shall operate a motor vessel at a speed in excess of slow-no-wake, or operate a sailboard within this area. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-129 Papa'ula Point Restricted Zone.

(a) Papa'ula Point Restricted Zone mean the area confined by the boundaries shown for said zone on Exhibit "ZZ", dated August 22, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point at the low water mark being an extension of the east boundary of Kahului Airport thence by azimuth measured clockwise from True South; 155 degrees for a distance of one thousand six hundred seventy-five feet; 120 degrees for a distance of four hundred fifty feet; 080 degrees for a distance of nine hundred twenty-five feet; 350 degrees to the low water mark of the shoreline, then along the shoreline in an easterly direction to the point of beginning.

(b) Restriction. Papa'ula Point restricted zone is designated for fishing and diving. No person shall operate a vessel or sailboard within this area. Windsurfing access west of the restricted zone shall be permitted after 11:00 a.m.. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-130 Kanaha Beach Park Restricted Zones.

(a) Kanaha Beach Park Swimming Zones A, B, and C mean the areas confined by the boundaries shown for said zones on Exhibit "AAA", dated August 20, 1988, located at the end of this subchapter. The boundaries are as follows:

(b) Swimming Zone A.

(1) Beginning at a point at the low water mark in line and being an extension of the east boundary of Kanaha

Beach Park; thence by azimuth measured clockwise from True South, 180 degrees for a distance of three hundred feet; 228 degrees for a distance of seven hundred ten feet; 315 degrees to a point at the low

water mark at the shoreline; then along the low water mark of the shoreline of Kanaha Beach Park in a westerly direction to the point of beginning.

(c) Swimming Zone B.

(1) Beginning at a point at the low water mark at the tip of the groin located by azimuth measured clockwise from True South, 093 degrees for a distance of four hundred seventy feet from the east boundary of Kanaha Beach Park; 135 degrees for a distance of three hundred ten feet; 047 degrees for a distance of six hundred feet; 350 degrees to a point at the low water mark at the shoreline; then along the low water mark of the shoreline of Kanaha Beach Park in a easterly direction to the point of beginning.

(d) Swimming Zone C.

(1) Beginning at a point at the low water mark at the northeast tip of the groin located by azimuth measured from True South, 090 degrees for a distance of one hundred fifty feet from the west boundary of Kanaha Beach Park; 180 degrees for a distance of three hundred feet; 248 degrees for a distance of eight hundred thirty feet; 315 degrees to a point at the low water mark at the shoreline; then along the low water mark of the shoreline of Kanaha Beach Park in a westerly direction to the point of beginning.

(e) Restrictions. The Kanaha Beach Park swim zones A, B, and C are designated for swimming only. No person shall operate a vessel or sailboard within these zones. No person shall launch a sailboard from Kanaha Beach Park prior to 11:00 a.m., except that windsurfing instruction and beginning windsurfing may be conducted within three hundred feet of the shoreline between swimming zones A and B after 9:00 a.m..
[Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-131 to §13-156-139 (Reserved)

Subchapter 10 East Hawaii Island Ocean
Recreation Management Area

§13-256-140	Definition
§13-256-141	Hilo Bay Recreational Thrill Craft Zone
§13-256-142	Waiakea Access Corridor
§13-256-143	Puhi Bay-Leleiwi Point Restricted Zones
§13-256-144	
to	
§13-256-149	(Reserved)

§13-256-140 Definition. The "East Hawaii Ocean Recreation Management Area" means all ocean waters and navigable streams from Leleiwi Point, South Hilo, to Pepeekeo Point, North Hilo, Hawaii, extending three thousand feet seaward of the territorial sea baseline as shown on Exhibit "BBB", dated August 15, 1988, located at the end of this subchapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-141 Hilo Bay Recreational Thrill Craft Zone.

(a) Hilo Bay recreational thrill craft zone means the area confined by the boundaries shown on Exhibit "CCC", dated June 30, 1988, located at the end of this subchapter. The boundaries of Zone A are as follows:

Beginning at a point at the low water mark which is three thousand six hundred feet east of the tip of Hilo Breakwater; then by azimuth measured clockwise from True South, 005 degrees for a distance of one thousand one hundred feet; 095 degrees for a distance of three thousand nine hundred feet; 185 degrees for a distance of two thousand feet; 275 degrees for a distance of one thousand one hundred feet; 005 degrees to the low water mark on the seaward side of the breakwater; then along the low water mark to the point of beginning.

(b) Restrictions: This area is designated a recreational thrill craft zone. No person shall operate a commercial thrill craft in this area. [Eff 2/24/94] (Auth: HRS §§200-22, 200-23, 200-24, 200-37) (Imp: HRS §§200-22, 200-23, 200-24, 200-37)

§13-256-142 Waiakea Access Corridor. (a) The Waiakea Access Corridor means the area confined by the boundaries shown

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on Exhibit "DDD", dated August 19, 1988, located at the end of this subchapter. The boundaries of the corridor are as follows:

Beginning at a point at the low water mark at the north tip of the Wailoa River Channel; then by azimuth measured clockwise from True South, 187 degrees for a distance of four hundred fifty feet; 097 degrees for a distance of one hundred fifty feet; 007 degrees for a point at the low water mark of the shoreline; then along the shoreline to the point of beginning.

(b) Restrictions: The corridor is for access to the beach from Hilo Bay for recreational thrill craft and waterski activities. No person shall operate a commercial thrill craft or waterski activity in this corridor. [Eff 2/24/94] (Auth: HRS §§200-22, 200-23, 200-24, 200-37) (Imp: HRS §§200-22, 200-23, 200-24, 200-37)

§13-256-143 Puhi Bay - Leleiwi Point Restricted Zones.

(a) Zone A.

- (1) Zone A means the area confined by the boundaries shown on Exhibit "EEE", dated August 19, 1988, located at the end of this subchapter. The boundaries of Zone A are as follows:

Beginning at a point at the low water mark which is an extension of the center line of Pua Avenue; then by azimuth measured clockwise from True South, 220 degrees for a distance of one thousand six hundred feet; 310 degrees to a point on the low water mark of the shoreline; then along the low water mark to the point of beginning.

- (2) Restrictions. Zone A is designated as a swimming area. No person shall operate or moor a vessel within this area.

(b) Zone B.

- (1) Zone B means the area confined by the boundaries shown on Exhibit "EEE" dated August 19, 1988, located at the end of this subchapter. The boundaries of Zone B are as follows:

Beginning at a point at the low water mark on the shoreline which is the northeast boundary of Zone A; then by azimuth measured clockwise from True South, 130 degrees for a distance of two hundred feet; 245 degrees for a distance of five hundred feet; 214 degrees for a distance of one thousand feet; 283 degrees to a point on

the low water mark of the shoreline; then along the low water mark to the point of beginning.

(c) Zone C.

- (1) Zone C means the area confined by the boundaries shown on Exhibit "EEE" dated August 19, 1988, located at the end of this subchapter. The boundaries of Zone C are as follows:

Beginning at a point at the low water mark on the shoreline of Keokea Point; then by azimuth measured clockwise from True South, 245 degrees for a distance of five hundred feet; 270 degrees for a distance of one thousand eight hundred feet; 359 degrees to a point on the low water mark of the shoreline; then along the low water mark to the point of beginning.

(d) Zone D.

- (1) Zone D means the area confined by the boundaries shown on Exhibit "EEE" dated August 19, 1988, located at the end of this subchapter. The boundaries of Zone D are as follows:

Beginning at a point at the low water mark of Mahikea Island; then by azimuth measured clockwise from True South, 318 degrees for a distance of four hundred fifty feet; 290 degrees to a point on the low water mark of the shoreline; then along the low water mark to the point of beginning.

- (2) Restrictions. Zones B, C and D are designated as a diving, swimming and surfing zones. No person shall operate or moor a vessel, except at a speed of slow-no-wake or when diving with dive flag displayed.

(e) Zone E.

- (1) Zone E means the area confined by the boundaries shown on Exhibit "EEE", dated August 19, 1988, located at the end of this subchapter. The boundaries of Zone E are as follows:

Beginning at a point at the low water mark of the shoreline by azimuth measured clockwise from True South, 054 degrees for a distance of five hundred feet from Richardson's Ocean Center; 045 degrees for a distance of two hundred feet; 074 degrees for a distance of four hundred feet; 177 degrees for a distance of eight hundred feet; 260 degrees to the low water mark on the shoreline; then along the low water mark to the

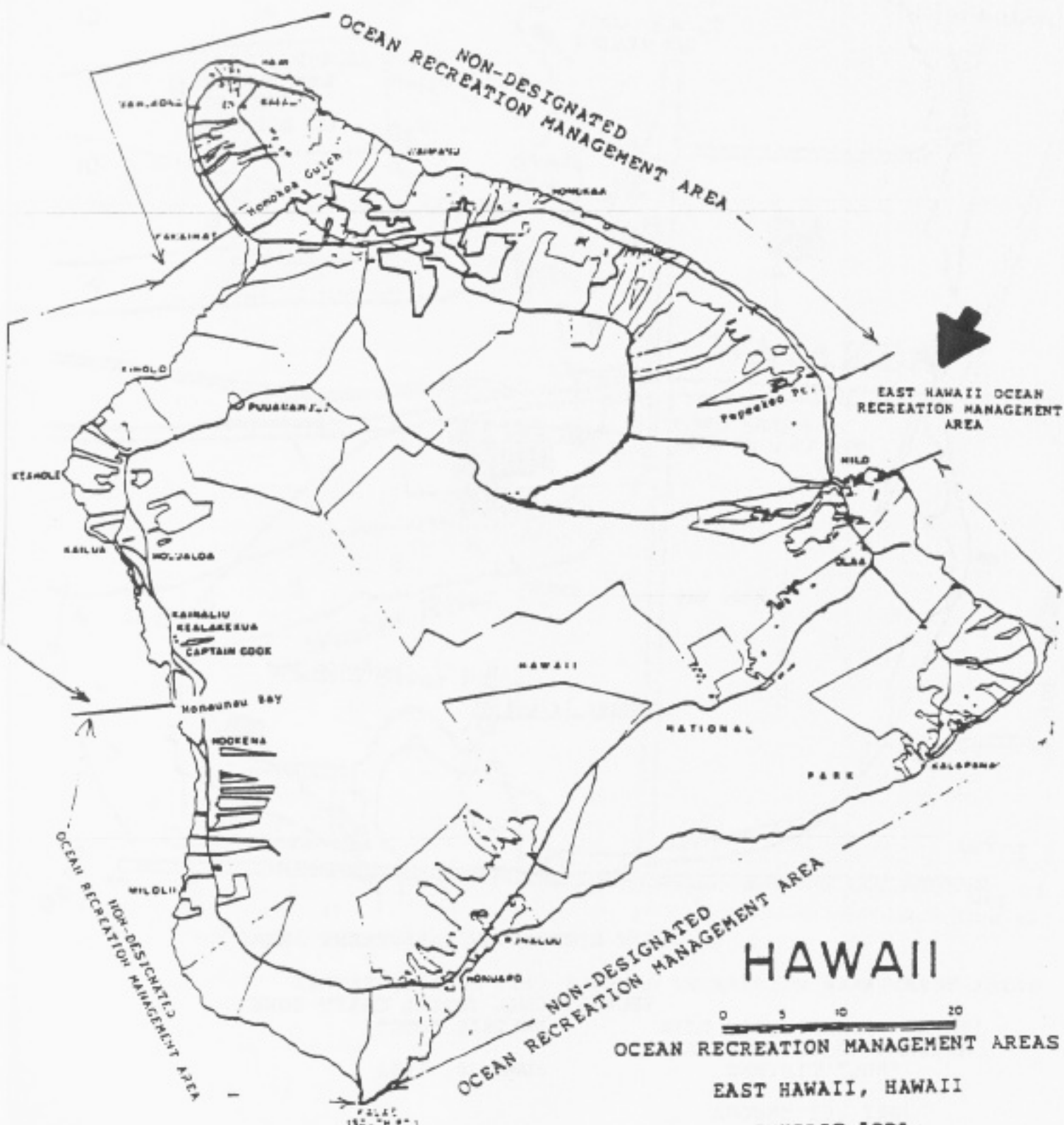
point of beginning.

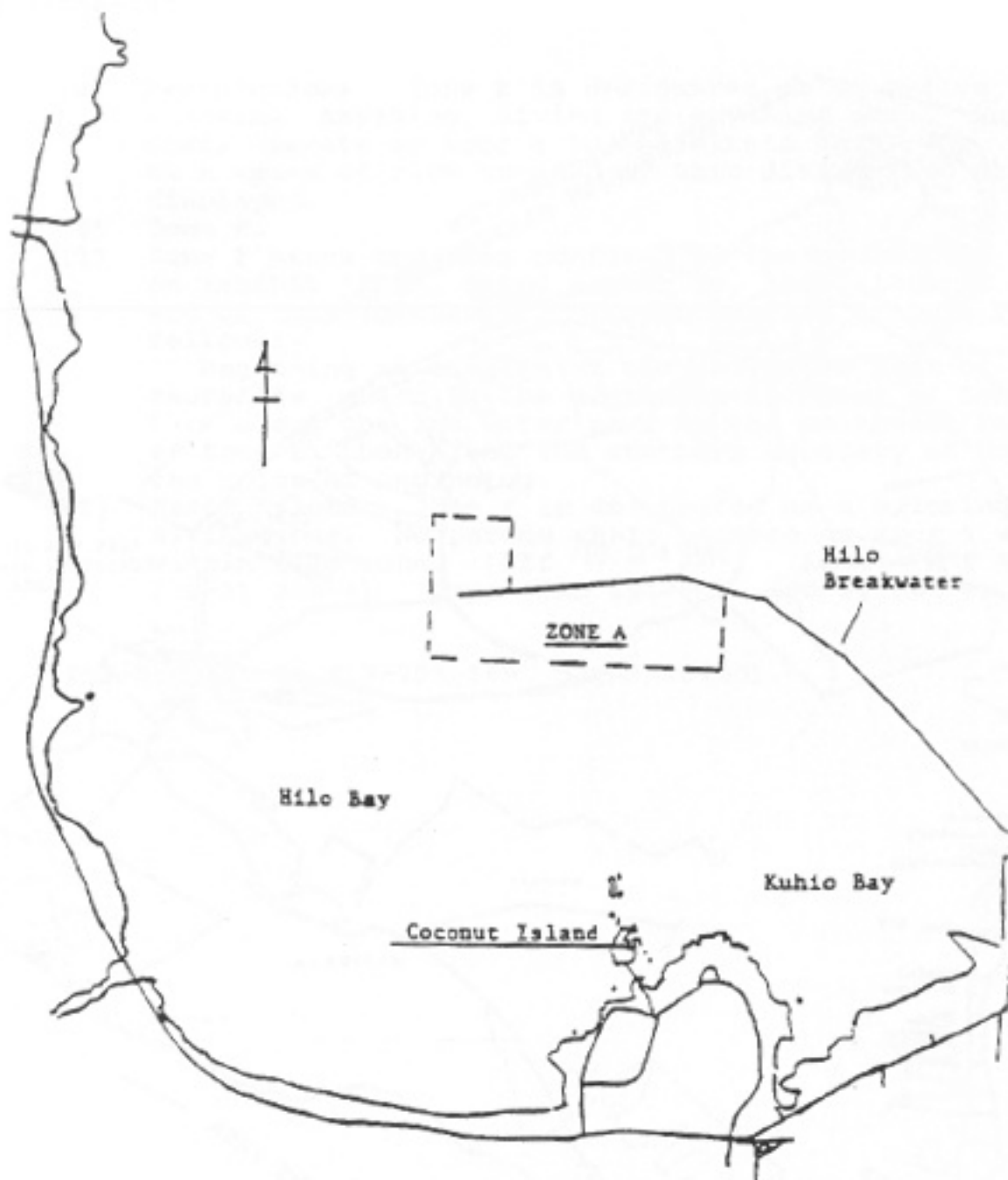
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- (2) Restrictions. Zone E is designated as a surfing, canoeing, kayaking, diving and swimming zone. No person shall operate or moor a vessel within this zone, except at a speed of slow-no-wake or when diving with dive flag displayed.
- (f) Zone F.
- (1) Zone F means the area confined by the boundaries shown on Exhibit "EEE", dated August 19, 1988, located at the end of this subchapter. The boundaries of Zone F are as follows:
 - Beginning at a point at the low water mark of the shoreline which is the southeast boundary of Zone E; then along the low water mark to the southwest boundary of Zone E; then along the southern boundary of Zone E to the point of beginning.
- (2) Restrictions. Zone F is designated as a swimming and diving zone. No person shall operate or moor a vessel within this zone. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-256-144 to §13-256-149 (Reserved).

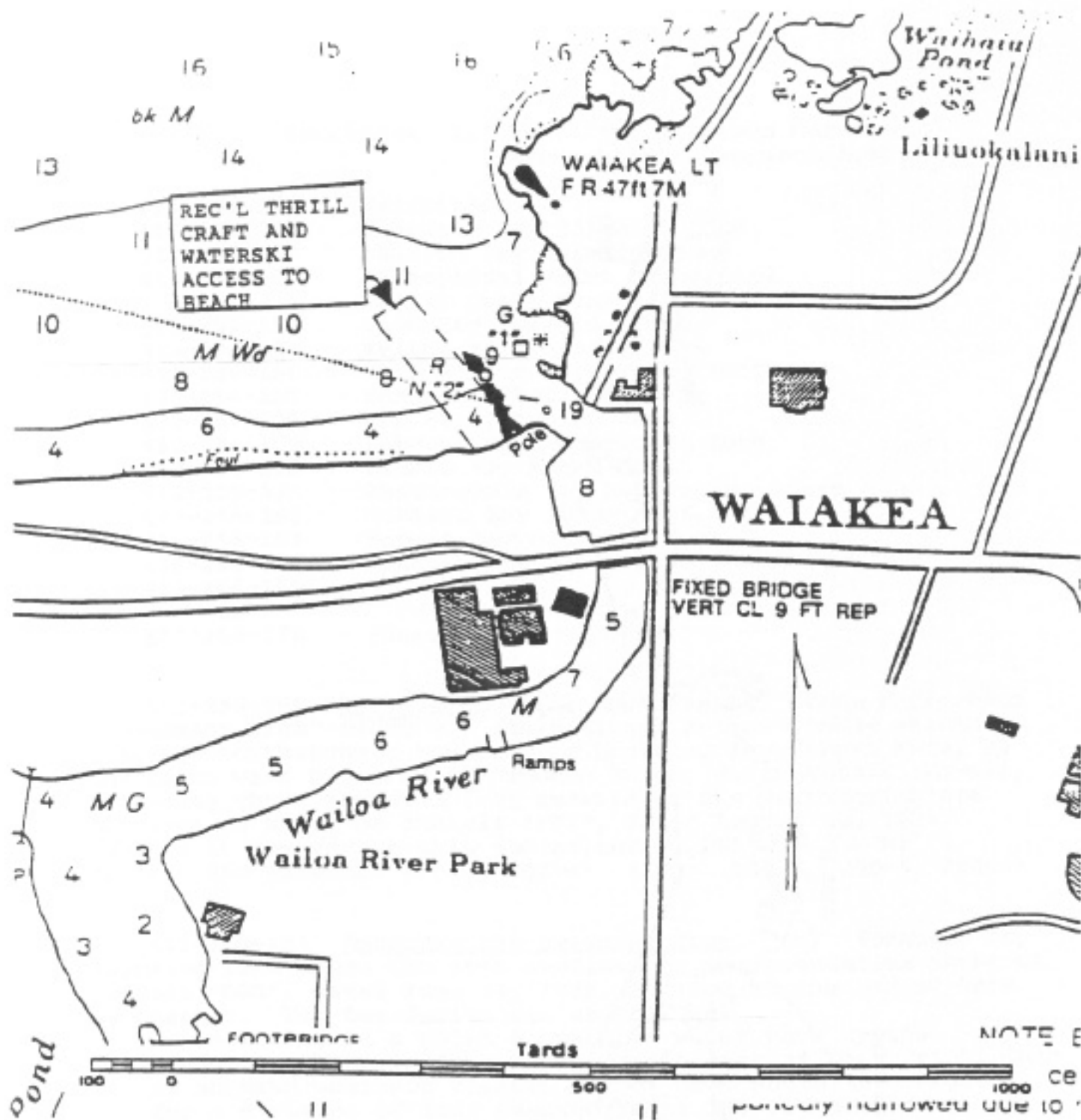




OCEAN RECREATION MANAGEMENT AREAS

HILO BAY, HAWAII, HAWAII
RECREATIONAL THRILL CRAFT ZONE
EXHIBIT "CCC"

JUNE 30, 1988



OCEAN RECREATION MANAGEMENT AREAS

HILO BAY, HAWAII, HAWAII
 WAIAKEA ACCESS CORRIDOR
 EXHIBIT "DDD"

AUGUST 19, 1981

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Subchapter 11 West Hawaii Island Ocean
Recreation Management Area

§13-256-150	Definition
§13-256-151	Honaunau Bay Swimming Zone
§13-256-152	Kahaluu Bay Swimming Zone
§13-256-153	Kalaepaakai Point Commercial Thrill Craft Zone
§13-256-154	Oneo Bay Swimming Zone
§13-256-155	Kailua Bay Boating Zone
§13-256-156	Kailua Pier Restricted Zones
§13-256-157	Honokohau Swimming Zone
§13-256-158	Kua Bay Swimming Zone
§13-256-159	Kahuwai Bay Restricted Zone
§13-256-160	Kiholo Bay Speed Zone
§13-256-161	Anaehoomalu Bay Restricted Zones
§13-256-162	Makaiwa Bay Swimming Zones
§13-256-163	Hapuna Bay Swimming Zone
§13-256-164	Kaunaoa Bay Restricted Zones
§13-256-165	
to	
§13-256-170	(Reserved)

§13-256-150 Definition. The "West Hawaii Ocean Recreation Management Area" means all ocean waters and navigable streams from the southernmost boundary of Honaunau Bay, South Kona, to the north west boundary of Honokoa Gulch, North Kohala, Hawaii, extending three thousand feet seaward of the territorial sea baseline as shown on Exhibit "FFF", dated August 15, 1988, located at the end of this subchapter. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: 200-2, 200-3, 200-4)

§13-256-151 Honaunau Bay Swimming Zone. (a) Honaunau Bay Swimming Zone means the area confined by the boundaries shown on Exhibit "GGG", dated June 30, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point at the low water mark on the shoreline which is four hundred feet east of Mana Point; then by azimuth measured clockwise from True South, 360 degrees for a distance of four hundred feet; 270 degrees for a distance of nine hundred feet; then along the low water mark to the point of beginning.

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(b) Restrictions. Honaunau Bay Swimming Zone is designated as a swimming and diving zone. No person shall operate or moor a vessel within this zone. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: 200-2, 200-3, 200-4)

§13-256-152 Kahaluu Bay Swimming Zone. (a) Kahaluu Bay Swimming Zone means the area confined by the boundaries shown on Exhibit "HHH-1", dated February 7, 1990, and located at the end of this subchapter. The boundaries are as follows:

Beginning at a point at the low water mark of Kalaau o Kalakani Point; then by azimuth measured clockwise from True South, 166 degrees to a point on the low water mark on the northern side of the Kahuluu Bay; then along the shoreline in a southerly direction to the point of beginning.

(b) Restrictions. Kahuluu Bay Swimming Zone is designated as a swimming and diving zone. No person shall operate or moor a vessel within this zone. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: §§200-2, 200-3, 200-4)

§13-256-153 Kalaepaakai Point Commercial Thrill Craft Zone. (a) Zone A is the area encompassed by the boundaries shown on Exhibit "HHH", dated February 7, 1990, and located at the end of this subchapter. The boundaries are as follows:

Beginning at a point at the low water mark of Kalaepaaki Point; then by azimuth measured clockwise from True South, 078 degrees for a distance of seven hundred feet; then on a radius of two hundred feet around that point.

(b) Zone A is designated a commercial thrill craft area. No more than six rental thrill craft shall operate within the area at one time. [Eff 2/24/94] (Auth: HRS §§200-21, 200-22, 200-22, 200-24, 200-37) (Imp: §§200-22, 200-24, 200-37)

§13-256-154 Oneo Bay Swimming Zone. (a) Oneo Bay Swimming Zone means the area confined by the boundaries shown on Exhibit "HHH", dated February 7, 1990, and located at the end of this subchapter. The boundaries are as follows:

Beginning at a point at the low water mark of Kalaepaakai Point; then by azimuth measured clockwise from True South, 157 degrees to the low water mark of the shoreline; then along the low water mark to the point of beginning.

(b) Restrictions. Oneo Bay Swimming Zone is designated as a swimming and diving zone. No person shall operate or moor a vessel within this zone. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: §§200-2, 200-3, 200-4)

§13-256-155 Kailua Bay Restricted Zones. (a) Kailua Bay Restricted Zone B is the area encompassed by the boundaries shown on Exhibit "HHH", dated February 7, 1990, and located at the end of this subchapter. The boundaries are as follows:

Beginning at a point in the water, by azimuth measured clockwise from True South, 341 degrees for a distance of two thousand one hundred ninety feet from the south tip of Kukailimoku Point; then 330 degrees for a distance of three thousand seven hundred fifty feet; 090 degrees for a distance of three thousand eight hundred forty feet; 210 degrees to the point of beginning.

(b) Kailua Bay Restricted Zone B is designated for parasailing and recreational thrill craft. No person shall operate a commercial thrill craft in this zone. No more than two commercial operating area use permits for parasailing shall be issued for this zone. No permittee shall operate more than one vessel with a parasail aloft at any one time. This zone shall be closed to parasail and all thrill craft operations during the whale season, from December 15 to May 15 of the following year.

(c) Kailua Bay Restricted Zone C, is designated for parasailing and recreational thrill craft. No permittee shall operate more than one parasail vessel at any one time in this zone. This inshore operating zone shall be open to parasail and all thrill craft operations during the whale season from December 15 to May 15 of the following year. The inshore operating zone is the area defined on Exhibit "HHH", dated, February 7, 1990, and located at the end of this subchapter. The boundaries are as follows:

Beginning at a point in the water, measured clockwise from True South, 060 degrees at a distance of six hundred sixty feet from Kalaepaakai Point, then 330 degrees for a distance of three thousand five hundred forty feet; 090 degrees for a distance of one thousand seven hundred forty feet; then in a straight line to the point of beginning.

(d) Zone C shall be closed to parasail and all thrill craft operations from May 15 to December 15 of each year. [Eff 2/24/94] (Auth: HRS §§200-21, 200-22, 200-22, 200-24, 200-37) (Imp: §§200-22, 200-24, 200-37)

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§13-256-156 Kailua Pier Restricted Zones. (a) Kailua Pier Restricted Zones means the areas defined by the boundary lines as shown on Exhibit "III", dated June 30, 1988, located at the end of this subchapter. The boundaries are as follows:

(b) Zone A.

- (1) Beginning at a point at the low water mark on the east side of Kailua Pier; then by azimuth measured clockwise from True South, 317 degrees for a distance of two hundred twenty feet; 336 degrees for a distance of three hundred twelve feet; 026 degrees 30 minutes for a distance of four hundred sixty-five feet; 158 degrees for a distance of three hundred four feet; 214 degrees for a distance of one hundred eighteen feet to the western seaward edge of Kailua Pier.
- (2) Restrictions. This area is designated for boating use only. Swimming is prohibited.

(c) Zone B.

- (1) Beginning at a point at the low water mark on the east side of Kailua Pier; then by azimuth measured clockwise from True South; 317 degrees for a distance of two hundred twenty feet; 292 degrees for a distance of six hundred eighty-three feet to intersect with the low water mark fronting the western property line of Hulihee Palace; thence along the low water mark to the beginning.
- (2) Restrictions. This area is designated a swimming zone. No person shall operate or moor a vessel within this zone, except for commercial fishing vessels engaged in baitfishing operations. Vessels operating near the shoreline of Kailua Bay between Hulihee Palace and the Kona Hilton Hotel shall exercise caution due to swimming activity. [Eff 2/24/94]
(Auth: HRS §§200-2, 200-3, 200-4) (Imp: 200-2, 200-3, 200-4)

§13-256-157 Honokohau Swimming Zone. (a) Honokohau Swimming Zone means the area confined by the boundaries shown on Exhibit "JJJ", dated August 15, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point at the low water mark located by azimuth measured from True South from the N. E. Range Marker at Noio Point 160 degrees for a distance of four hundred seventeen feet; then 243 degrees to a point at the

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mark of the shoreline south of Honokokau Harbor entrance; then along the shoreline in a southwesterly direction to the point of beginning.

(b) Restrictions. Honokohau Swimming Zone is designated as a swimming and diving zone. No person shall operate or moor a vessel within this zone. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: 200-2, 200-3, 200-4)

§13-256-158 Kua Bay Swimming Zone. (a) Kua Bay Swimming Zone means the area confined by the boundaries shown on Exhibit "KKK", dated September 19, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at the low water mark on the shoreline of Papiha Point; then by straight line to the low water mark at Punalua Point; then along the low water mark to the point of beginning.

(b) Restrictions. Kua Bay Swimming Zone is designated as a swimming zone. No person shall operate or moor a vessel, surfboard, sailboard or other watercraft within this zone. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: 200-2, 200-3, 200-4)

§13-256-159 Kahuwai Bay Restricted Zone. (a) Kahuwai Bay restricted zone means the area confined by the boundaries shown on Exhibit "KKK", dated September 19, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at the low water mark on the shoreline of southern boundary of the bay; then by azimuth measured clockwise from True South, 225 degrees to a point on the low water mark of the shoreline; then along the low water mark to the point of beginning.

(b) Restrictions. Kahuwai Bay is designated a slow-no-wake zone. No person shall operate a vessel at a speed in excess of slow-no-wake. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: 200-2, 200-3, 200-4)

§13-256-160 Kiholo Bay Speed Zone. (a) Kiholo Bay Speed Zone means the area confined by the boundaries shown on Exhibit "KKK", dated September 19, 1988, located at the end of

this subchapter. The boundaries are as follows:

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Beginning at the point on the low water mark of Nawaikulua Point; then by azimuth measured clockwise from True South, 065 degrees to a point on the low water mark of the shoreline; then along the low water mark to the point of beginning.

(b) Restrictions. No person shall operate a vessel in excess of a speed of slow-no-wake. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: 200-2, 200-3, 200-4)

§13-256-161 Anaehoomalu Bay Restricted Zones.

(a) Zone A.

(1) Zone A means the area confined by the boundaries shown on Exhibit "LLL", dated September 19, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark of the shoreline by azimuth measured clockwise from True South, 256 degrees for a distance of two hundred ninety feet from the westernmost tip of Lae O Hiiaka Point; then 177 degrees for a distance of six hundred feet; 260 degrees for a distance of three hundred feet; 324 degrees to a point on the low water mark on the shoreline; then along the shoreline in a westerly direction to the point of beginning.

(b) Zone B.

(1) Zone B means the area confined by the boundaries shown on Exhibit "LLL", dated September 19, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark of the shoreline one hundred feet from the westernmost tip of the Kahapapa weir, then by azimuth measured clockwise from True South, 077 degrees for a distance of five hundred seventy-five feet; 155 degrees to a point on the low water mark on the shoreline; then along the shoreline in a southeasterly direction to the point of beginning.

(c) Restrictions. Anaehoomalu Bay Restricted Zones A and B are designated for swimming and diving. No person shall operate or moor a vessel within these zones.

- (d) Zone C, Ingress/egress corridor
- (1) Zone C means the area confined by the boundaries shown on Exhibit "LLL", dated September 19, 1988, located at the end of this subchapter. The boundaries are as follows:

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Beginning at a point at the low water mark of the shoreline one hundred fifty feet from the westernmost tip of the Kahapapa weir, then by azimuth measured clockwise from True South, 065 degrees for a distance of six hundred fifty feet; 000 degrees for a distance of one hundred fifty feet; 245 degrees to a point on the low water mark on the shoreline; then along the shoreline in a northerly direction to the point of beginning.

- (e) Restriction. Zone C is designated an ingress/egress corridor for vessels and sailboards. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: 200-2, 200-3, 200-4)

§13-256-162 Makaiwa Bay Swimming Zones.

- (a) Zone A.

- (1) Zone A means the area confined by the boundaries shown on Exhibit "MMM", dated July 10, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at the low water mark of the shoreline on the northwestern tip to the entrance of the boat ramp; then by azimuth measured clockwise from True South, 110 degrees for a distance of seven hundred ten feet to a point of low water of the shoreline; then along the shoreline in a south and easterly direction to the point of beginning.

- (b) Zone B.

- (1) Zone B means the area confined by the boundaries shown on Exhibit "MMM", dated July 10, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at the low water mark of the shoreline on the northeastern tip to the entrance of the boat ramp; then by azimuth measured clockwise from True South, 226 degrees for a distance of five hundred forty feet to a point of low water of the shoreline; then along

the shoreline in a south and westerly direction to the point of beginning.

(c) Restrictions. The Makaiwa Bay swimming zones A and B are designated for swimming and diving. No person shall operate or moor a motor vessel within this zone. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: 200-2, 200-3, 200-4)

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§13-256-163 Hapuna Bay Swimming Zone. (a) The Hapuna Bay Swimming Zone means the area confined by the boundaries shown on Exhibit "NNN", dated September 19, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point in the water, by azimuth measured clockwise from True South, 311 degrees for a distance of four hundred feet; 268 degrees to a point on the low water mark of the shoreline; then along the low water mark in a southerly direction for a distance of one thousand three hundred feet; 088 degrees for a distance of one hundred feet; then by a straight line to the point of beginning.

(b) Restrictions. The Hapuna Bay Swimming Zone is designated for swimming and diving. No person shall operate or moor a motorized vessel, within this zone. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: 200-2, 200-3, 200-4)

§13-256-164 Kaunaoa Bay Restricted Zones.

(a) Zone A, Kaunaoa Bay Swimming Zone.

(1) Zone A means the area confined by the boundaries shown on Exhibit "NNN", dated September 19, 1988, located at the end of this subchapter. The boundaries are as follows:

Beginning at a point on the low water mark of the northern boundary of Kaunaoa Beach five hundred forty feet from Kaaha Point, then in a straight line to the southern boundary of Kaunaoa Beach; then along the low water mark of the shoreline to the point of beginning.

(2) Restrictions. The Kaunaoa Bay Swimming Zone is designated as a swimming and diving zone. No person shall operate or moor a motorized vessel within this zone.

- (b) Zone B, Kaunaoa Bay Ingress/Egress Corridor.
- (1) Zone B means the area confined by the boundaries shown on Exhibit "NNN", dated September 19, 1988, located at the end of this subchapter. The boundaries are as follows:
- Beginning at a point on the water which is measured clockwise by azimuth from True South, 360 degrees for a distance of five hundred fifty feet from the northern boundary of Kaunaoa Beach; 270 degrees to the low water mark of the shoreline; then along the shoreline in a

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southerly direction for one hundred fifty feet to the point of the northern boundary of the swimming zone; 090 degrees coincident to the northern swimming zone boundary to its seaward point; then in a straight line to the point of beginning.

- (2) Restriction. Zone B is designated an ingress/egress corridor to the beach for commercial motorized vessels. No person shall operate a vessel in excess of slow-no-wake within this zone. [Eff 2/24/94] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: 200-2, 200-3, 200-4)

§13-256-165 to §13-256-175 (Reserved)

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DEPARTMENT OF LAND AND NATURAL RESOURCES

Title 13, Subtitle 11, Part 3, Ocean Waters, Navigable Streams and Beaches, Hawaii Administrative Rules, containing Chapters 250 through 256, was adopted on January 28, 1994, by the Board of Land and Natural Resources, following a public hearing held on June 30, 1993, at Farrington High School Cafeteria after public notice was published in the Honolulu Advertiser and Honolulu Star Bulletin on May 31 1993, the Garden Island News on June 1, 1993; Hawaii Tribune Herald, on June 1, 1993; Lahaina News on June 17, 1993; Maui News, on May 23, 1993; Molokai Advertiser News on May 26, 1993; and West Hawaii Today on June 1, 1993.

Title 13, Subtitle 11, Part 3, Ocean Waters, Navigable Streams and Beaches, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

Keith W. Ahue, Chairperson,
Board of Land and Natural Resources

APPROVED AS TO FORM:

Deputy Attorney General

APPROVED:

John D. Waihee, Governor
State of Hawaii

Dated: _____

Filed